

CHAPTER 9 HARNESS RACING

[Prior to 11/9/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]

491—9.1(99D) Terms defined. As used in these rules, unless the context otherwise requires, the following definitions apply:

“Added money early closing event” means an event closing in the same year in which it is to be contested, in which a specified sum is added by the association or sponsor to all entrance and declaration fees received.

“Age” means the age of a horse reckoned from the first day of January of the year of foaling.

“Arrears” means all moneys owed by a licensee, including subscriptions, forfeitures, and any other payment and default incident to these rules.

“Association” means a nonprofit corporation defined in Iowa Code section 99D.8, holding a license from the commission to conduct harness racing and pari-mutuel wagering, and an annual license authorizing the specific dates of the annual racing meet.

“Association grounds” means all real property utilized by the association in the conduct of its race meeting, including the track, concessions, stands, offices, barns, stables, employee housing, and parking.

“Authorized agent” means a person licensed by the commission as an agent for a horse owner or principal by virtue of a notarized appointment. The agent shall be designated on a form approved by the commission, filed by the owner or principal with the commission, authorizing the agent to handle matters pertaining to racing and stabling, including authorization to claim and to withdraw money from the horsemen’s bookkeeper.

“Bleeder” means a horse which hemorrhages from within the respiratory tract during a race or within one and one-half hours post race, or during exercise or within one and one-half hours of exercise.

“Bleeder list” means a tabulation of all bleeders to be maintained by the commission.

“Chemist” means any official racing chemist designated by the commission.

“Claiming race” means one which includes a condition that any horse starting the race may be claimed and purchased by any licensed owner, or person(s) approved by the commission for an owner’s license, for an amount specified in the conditions for that race by the racing secretary.

“Classified race” means regardless of the eligibility of horses, a race in which entries are selected by the racing secretary on the basis of ability or past performance.

“Commission” means the Iowa racing and gaming commission.

“Conditioned race” means any overnight event to which eligibility is determined according to specified qualifications. Qualifications may be based among other things upon any one or more of the following:

1. Horses’ money winnings in a specified number of previous races or during a specified previous interval of time.
2. A horse’s finishing position in a specific number of previous races or during a specified period of time.
3. Age.
4. Sex.
5. Number of starts during a specified period of time.
6. Special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada.
7. Use of records or time bars as a condition is prohibited.

“Contractual concessionaire” means any business or individual dealing in the furnishing, sale or distribution of materials, supplies or services to an association.

“Dash” means a race decided in a single trial. Dashes may be given in a series of two or three governed by one entry fee for the series, in which event a horse must start in all dashes. Positions may be drawn for each dash. The number of premiums awarded shall not exceed the number of starters in the dash.

“Day” means a 24-hour period beginning at 12:01 a.m. and ending at midnight, also referred to as a race day.

“Dead heat” is the finish of a race by two horses or more at the same time.

“Declaration” means the naming of a particular horse into a particular race.

“Detention barn” means the barn designated for the collection from horses of test samples under the supervision of the commission veterinarian; also it is the barn assigned by the commission to a horse on the bleeder list for occupancy as a prerequisite for receiving bleeder medication.

“Driver” means a person licensed to drive in races as a driver.

“Early closing race” means a race for a definite amount to which entries close at least six weeks preceding the race. The entrance fee may be on the installment plan or otherwise and no payment shall be refunded.

“Elimination heats” means heats of a race split according to these rules to qualify the contestants for a final heat.

“Entry” means a horse entered for a race, or two or more horses entered and joined for the same race for pari-mutuel wagering purposes because of common ties of ownership, lease or training, also known as a coupled entry.

“Field or mutuel field” means a group of two or more horses upon which a single bet may be placed. A mutuel field is required when the number of horses starting in a race exceeds the capacity of the track totalizator. The highest numbered horse within the totalizator capacity and all the higher-numbered horses following are then grouped together in the mutuel field.

“Foreign substances” means all substances except those which exist naturally in the untreated horse at normal physiological concentration.

“Forfeit” means money due an association because of an error, fault, neglect of duty, breach of contract or penalty imposed by order of the stewards or the commission.

“Furosemide” means 4 Chloro N (2furylmethyl)-5-sulfamoylanthanic acid.

“Futurity” means a stake in which the dam of the competing animal is nominated either when in foal or during the year of foaling.

“General manager” means the individual or company with responsibility for day-to-day operation of a racetrack.

“Green horse” means one that has never trotted or paced in a race.

“Guaranteed stake” means same as a stake, with a guarantee by the party opening it that the sum shall not be less than the amount named.

“Heat” means a single trial in a race, two in three, or three heat plan.

“Horse” means any horse (including and designated as a mare, filly, stallion, colt, ridgling or gelding) registered for racing under the jurisdiction of the commission.

“In harness” shall be construed to mean that the performance shall be to a sulky.

“Late closing race” means a race for a fixed amount to which entries close less than six weeks and more than three days before the race is to be contested.

“Length of race and number of heats” means races or dashes shall be given at a stated distance in units not shorter than a sixteenth of a mile.

“Licensee” means any person or entity holding a license from the commission to engage in racing or related regulated activity.

“Maiden” means a stallion, mare or gelding that has never won a heat or race at the gait at which it is entered to start and for which a purse is offered. Races or purse money awarded to a horse after the “official sign” has been posted shall not be considered winning performance or affect status as a maiden.

“Match race” means a race between two horses, the property of two owners, on terms agreed upon by them. The match is void if either of the horses or if either owner dies prior to the conducting of the race. It remains a match even if money or other award is added to the stakes.

“Matinee race” means a race where an entrance fee may be charged and where the premiums, if any, are other than money.

“Meeting” means the specified period and dates each year during which an association is authorized to conduct racing by approval of the commission.

“Minor” means any person under the age of 18.

“Month” means a calendar month.

“Nominator” means the person in whose name a horse is entered for a race.

“Official time” means the period from the time the first horse crosses the timing beam until the first horse crosses the finish line.

“Overnight race” means a race for which entries close 96 hours, or less, before the time set for the first race of the day on which the race is to be run.

“Owner” means a person who holds any title, right or interest, whole or partial in a horse, or a lessee of a horse holding an owner’s license; an interest only in the winnings of a horse does not constitute partial ownership.

“Patron” means a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

“Performance” means a schedule of 9 to 11 races per day unless otherwise authorized by the commission.

“Permit” means an authorization by the commission to an association to conduct harness racing and pari-mutuel wagering, at a specified place also referred to as the association’s license.

“Permit holder” means an association holding a commission permit also known as the association’s license to conduct racing meetings and pari-mutuel wagering also referred to as a licensee.

“Place” means to finish a race in either first, second, or third place; in particular, to finish second in a race.

EXAMPLE:

Win—to place first in the finish.

Place—to place second in the finish.

Show—to place third in the finish.

“Post position” means the position assigned to, drawn by, or earned by a horse behind the starting gate.

“Post time” means the time set for the arrival of all horses in a particular race at the starting gate.

“Protest” means an objection, properly sworn to, charging that a horse is ineligible to race, or alleging improper entry or declaration or citing any act of an owner, driver or official prohibited by the rules, and which, if true, should under these rules exclude the horse or driver from the race.

“Race” means a contest between horses for a purse, prize, or other reward contested at a licensed association in the presence of the stewards of the meeting. Every heat or dash shall be deemed a race for pari-mutuel betting purposes.

“Receiving barn” means a barn designated to accommodate horses shipping from off the grounds for the purpose of participating in a race.

“Recognized meeting” means any meeting with regularly scheduled races in a jurisdiction having reciprocal relations with this state and the commission for the mutual enforcement of rulings relating to harness racing.

“Record” means the fastest time made by a horse in a heat or dash which the horse won. A standard record is a record of 2:20 or faster for two-year-olds and 2:15 or faster for all other ages.

“Rules” means the rules promulgated by a commission or United States Trotting Association (U.S.T.A.) to regulate the conduct of harness racing. Where a conflict exists between a commission and the U.S.T.A. rules, the commission’s rule shall govern.

“*Scratch*” means the act of withdrawing a horse from a race.

“*Stable name*” means a name used by an owner or lessee and registered with the commission.

“*Stakes race*” means one in which nominators of the entries contribute to a purse for the winners. A stakes race shall close for entries more than 96 hours in advance of its running. A stakes race may include a race for which horses are invited by an association to run for a guaranteed purse without payment of stakes.

“*Stewards*” means the duly appointed racing officials or their deputies serving at a licensed harness racing meeting.

“*Subscription*” means moneys paid for nomination, entry, eligibility or starting of a horse in a stakes race.

“*Test level*” means the concentration of a foreign substance found in the test sample.

“*Test sample*” means any bodily substance including but not limited to blood or urine taken from a horse under the supervision of the commission veterinarian and in the manner prescribed by the commission for the purpose of analysis.

“*Track license*” means an authorization by the commission to an association to conduct harness racing and pari-mutuel wagering, at a specified place.

“*Track licensee*” means an association holding a commission permit to conduct racing meetings and pari-mutuel wagering.

“*Two-in-three.*” In a two-in-three race a horse must win two heats to be entitled to first money.

“*Two-year-olds*” means no two-year-old shall be permitted to start in a dash or heat exceeding one mile in distance, and no two-year-old shall be permitted to race in more than two heats or dashes in any single day.

“*U.S.T.A.*” means the United States Trotting Association.

“*Veterinarian*” means a veterinarian licensed by the appropriate state regulatory authority and the commission.

“*Walk over*” means when only one horse or horses in the same interest start, it constitutes a walk over. In a “stakes race” a “walk over” is entitled to all the stake money and forfeits unless otherwise provided in the published conditions. To claim the purse the entry must start and go once over the course.

“*Winner*” means the horse whose nose reaches the wire first, unless for some reason the horse is disqualified. If there is a dead heat for first, both horses shall be considered winners. Where two horses are tied in the summary, the winner of the longer dash or heat shall be entitled to the trophy. Where the dashes or heats are of the same distance and the horses are tied in the summary, the winner of the faster dash or heat shall be entitled to the trophy. Where the dashes or heats are of the same distance and the horses are tied in the summary and the time, both horses shall be considered winners.

“*Wire*” means the real or imaginary line from the center of the steward’s stand to a point immediately across, and at right angles to the track.

“*Year*” means a calendar year.

491—9.2(99D) Racing officials.

9.2(1) General description. Every association conducting a race meeting shall appoint at least the following officials, who shall all have U.S.T.A. certification:

- a. One associate steward, one of the members of a three-member board of stewards;
- b. The racing secretary;
- c. The paddock judge;
- d. The horse identifier;
- e. The clerk of the course;
- f. The starter;
- g. The timer;
- h. Three placing judges;

- i. Licensed charter;
- j. Program director.

9.2(2) *Eligibility for officials.* To qualify as a racing official the appointee must be licensed by the commission after a determination that the appointee:

- a. Is of good moral character and reputation;
- b. Is experienced in harness racing;
- c. Is familiar with the duties to which appointed and for which responsible and with the commission's rules of harness racing;
- d. Possesses the mental and physical capacity to perform the required duties;
- e. Possesses natural or correctable eyesight sufficient to perform the duties; and
- f. Is not under suspension or ejection by the U.S.T.A. or any other racing jurisdiction.

9.2(3) *Official's prohibited activities.* No racing official or the racing official's assistant(s) listed in 9.2(1) while serving during any meeting may engage in any of the following:

- a. A business or employment which would be a conflict of interest or interfere or conflict with the proper discharge of duties including:
 - 1. A business which does business with an association.
 - 2. A business issued a concession operator's license;
- b. Participate in the sale or purchase, or ownership of any horse racing at the meeting;
- c. Sell or solicit horse insurance on any horse racing at the meeting; or any other business sales or solicitation not a part of the official's duties;
- d. Wager on the outcome of any race; or
- e. Accept or receive money or anything of value for assistance in connection with the official's duties.

9.2(4) *Report of violations.* Every racing official and assistant(s) is responsible to report immediately to the stewards of the meeting every observed violation of these rules and of the laws of this state which occur within the official's jurisdiction.

9.2(5) *Single official appointment.* No official appointed to any meeting may hold more than one official position listed in 9.2(1) unless, in the determination of the stewards or commission, the holding of more than one appointment would not subject the official to a conflict of interests and duties in the two appointments.

9.2(6) *Stewards.* (For practice and procedure before the stewards and the racing commission see 491—Chapter 4.)

a. General authority.

(1) General. The stewards for each racing meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and the rules adopted by the commission, and when there is not an applicable rule, the rules of the U.S.T.A.

(2) Appointment of substitute. Should any steward be absent at race time, the other two stewards shall agree on the appointment of a deputy for the absent steward or if they are unable to agree on a deputy, then the racing secretary shall appoint a deputy for that race. If any deputy steward is appointed, the commission shall be notified immediately by the stewards.

(3) Attendance. All three stewards shall be present in the stand while the race is contested.

(4) Period of authority. The period of authority shall commence 30 days prior to the beginning of each racing meet and shall terminate 30 days after the end of each racing meet.

(5) Initiate action. Stewards may, from their own observations, take notice of misconduct or rule violations and institute investigations or administrative actions to enforce compliance with rules of the racing commission.

(6) General enforcement provisions. Stewards shall enforce these rules and the racing laws of this state and shall have authority to charge any licensee for a violation of these rules, to conduct hearings and to impose fines or suspensions within the limits and procedures of the Iowa racing commission.

The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final for purposes of distribution of the pari-mutuel pool.

b. Duties of stewards.

(1) The laws of Iowa and the rules of racing supersede the conditions of a race and the regulations of a race meeting; and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of the association.

(2) The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by them.

(3) All questions pertaining to which their authority extends shall be determined by a majority of the stewards.

(4) The stewards shall have the power to regulate and control owners, trainers, grooms and other persons attendant on horses and also over all officials and licensed personnel of the meeting.

(5) The stewards shall have control over and access to all areas of the racetrack grounds.

(6) The stewards shall have the power to determine all questions arising with reference to entries and racing.

(7) Persons entering horses to run on licensed Iowa tracks agree in so doing to accept the decision of the stewards on any questions relating to a race or racing.

(8) The stewards shall have the power to punish for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions or both for infractions.

(9) The stewards shall have the power to order the exclusion or ejection from all premises and enclosures of the association any person who is disqualified for corrupt practices on any racecourse in any country.

(10) The stewards shall have the power to call for proof that a horse is neither itself disqualified in any respect, nor nominated by, nor the property, wholly or in part, of a disqualified person, and in default of proof being given to their satisfaction, they may declare the horse disqualified.

(11) The stewards shall have the power at any time to order an examination, by person or persons they think fit, of any horse entered for a race or which has run in a race.

(12) The stewards shall take notice of any questionable conduct with or without complaint and shall investigate promptly and render a decision on every objection and on every complaint made to them.

(13) The stewards, in order to maintain necessary safety and health conditions and to protect the public confidence in horse racing as a sport, shall have the right to authorize a person or persons in their behalf to enter into or upon the buildings, barns, motor vehicles, trailers or other places within the grounds of a licensed racetrack, to examine same, and to inspect and examine the person, personal property, and effects of any person within such place, and to seize any illegal articles or any items as evidence found.

(14) Upon the finding of a violation of these rules, or an attempted violation, on the grounds of a licensed facility, the stewards may suspend the license of any person for no greater period than 30 days after the close of the race meeting or they may impose a fine not to exceed \$500 or both. They may also suspend the license of any person currently under suspension or in bad standing in any other state or jurisdiction by the state racing commission or a board of stewards of any recognized meeting. They may also order the redistribution of purse payments where appropriate. All suspensions and fines must be reported to the commission. If the punishment so imposed is not, in the opinion of the stewards, sufficient, they shall so report to the commission. All fines and suspensions imposed by the stewards shall be promptly reported to the racing secretary and racing commission.

c. Emergency authority.

(1) Substitute officials. When in an emergency any official is unable to discharge duties, the stewards may approve the appointment of a substitute. The stewards shall report the appointment immediately to the commission.

(2) Substitutes. The stewards have the authority in an emergency to designate a substitute trainer or driver for any horse.

(3) Excuse horse. In case of accident or injury to a horse or any other emergency deemed by the stewards before the start of any race, the stewards may excuse the horse from starting.

d. Investigations and decisions.

(1) Investigations. The stewards may, upon direction of the commission, conduct inquiries and shall recommend to the commission the issuance of subpoenas to compel the attendance of witnesses and the production of reports, books, papers and documents for any inquiry. The commission stewards have the power to administer oaths and examine witnesses and shall submit a written report of every inquiry made by them to the commission.

(2) Cancel trifecta. The stewards have the authority to cancel trifecta wagering at any time they determine an irregular pattern of wagering or determine that the conduct of the race would not be in the interest of the regulation of the pari-mutuel wagering industry or in the public confidence in racing. The stewards shall cancel trifecta wagering anytime there are fewer than eight betting interests at the time the horses leave the paddock for the post. The commission may approve smaller fields for trifecta wagering if extraneous circumstances are shown by the licensee.

(3) Form reversal. The stewards shall take notice of any marked reversal of form by any horse and shall conduct an inquiry of the horse's owner, trainer or other persons connected with the horse including any person found to have contributed to the deliberate restraint or impediment of a horse in order to cause it not to win or finish as near as possible to first.

(4) Fouls.

1. Extent of disqualification. Upon any claim of foul submitted to them, the stewards shall determine the extent of any disqualification and shall place any horse found to be disqualified behind others in the race with which it interfered or the stewards may place the offending horse last in the race.

2. Coupled entry. When a horse is disqualified under this rule and that horse was part of a coupled entry and, in the opinion of the stewards, the act which led to the disqualification served to unduly benefit the other part of the coupled entry, the stewards may, at their discretion, disqualify the other part of the entry.

(5) Protests and complaints. The stewards shall investigate promptly and render a decision in every protest and complaint made to them. They shall keep a record of all protests and complaints and any rulings made by the stewards and file reports daily with the commission.

1. Involving fraud. Protests involving fraud may be made by any person at any time to the stewards.

2. Not involving fraud. Protests arising out of the contesting of a race may be filed only by the owner of a horse, authorized agent, the trainer, or the driver of the horse in the race over which the protest is made. The protest must be made to the stewards before the race is declared official.

3. Prize money of protested horse. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race shall be paid to and held by the horsemen's accountant until the protest is decided.

4. Protest in writing. A protest, other than one arising out of the actual contesting of a race, must be in writing, signed by the complainant, and filed with the stewards one hour before post time of the race out of which the protest arises.

5. Frivolous protests. No person or licensee shall make a frivolous protest nor may any person withdraw a protest without the permission of the stewards.

9.2(7) Racing secretary.

a. General authority. The racing secretary is responsible for setting the conditions for each race of the meeting, regulating the nomination of entries, determining the amounts of purses and to whom they are due and the recording of racing results. The racing secretary shall permit no person other than licensed racing officials to enter the racing secretary's office or work areas until such time as all entries are closed, drawn, smoked, etc. Exceptions to this rule must be approved by the stewards.

(1) Minimum purse. Thirty days prior to the opening of a race meeting, the association shall present to the commission for approval the proposed purse structure for the race meeting, including the minimum purse to be offered. Any contract with an organization representing the horsemen shall also be presented for commission approval at this time.

(2) Purse supplements for registered Iowa-bred horses. The commission shall also approve the proposed plan for purse supplements for the owners of registered Iowa-bred horses to be funded by the breakage as provided in Iowa Code section 99D.12.

b. Conditions. The secretary shall establish the conditions and eligibility for entering the races of the meeting and cause them to be published to owners, trainers and the commission. Unless otherwise provided by the conditions, the winner of a certain sum means the winner of a single race of that sum. Corrections to the conditions must be made within 24 hours of publication.

c. Posting of entries. Upon the closing of entries each day, the secretary shall post a list of entries in a conspicuous location in the office of the secretary.

d. Stakes and entrance money records. The secretary shall be caretaker of the permanent records of all stakes, entrance moneys and arrears paid or due in a race meeting and shall keep permanent records of the results of each race of the meeting.

e. Winnings.

(1) All-inclusive. For the purpose of the setting of conditions by the secretary, winnings shall be considered to include all moneys and prizes won up to the time of the start of a race, including those races outside the United States. Foreign winnings shall be determined on the basis of the normal rate of exchange prevailing on the day of the win.

(2) Winner of a certain sum. Winner of a certain sum means the winner of a single race at that sum, unless otherwise expressed in the condition book by the secretary.

f. Cancellation of a race. The secretary has the authority to withdraw, cancel or change any race which has not been closed. In the event the canceled race is a stakes race, all subscriptions and fees paid in connection with the race shall be refunded.

g. Coggins test. The racing secretary shall ensure that all horses have a current negative Coggins test. The racing secretary shall report all expired certificates to the board of stewards.

9.2(8) Paddock judge.

a. General authority. The paddock judge shall:

(1) Be in charge of the paddock and shall have general responsibility for the inspection of horses and for the equipment used, and

(2) Attempt to maintain consistency in the use of equipment on individual horses.

b. Duties.

(1) Require that a farrier be in the paddock prior to each race to ensure that all horses are properly shod.

(2) Exclude from the paddock all those persons who have no immediate business with the horses entered in a race, and report rule violations in the paddock area to the stewards.

9.2(9) Horse identifier.

a. General authority. The horse identifier shall be present for each race and shall inspect each horse prior to its departure from the paddock to the post to confirm the horse's proper identity.

b. Report violations. The horse identifier shall report to the paddock judge and the stewards any horse not properly identified or whose eligibility papers are not in conformity with these rules.

9.2(10) Clerk of the course.

a. General authority. The clerk of the course shall:

(1) At the request of the stewards assist in drawing positions.

(2) Keep the stewards' book and record:

1. All horses entered and their eligibility certificate numbers.

2. Names of owners and drivers and drivers' license numbers.

3. The charted lines at pari-mutuel meetings and for all race meetings, the money won by the horse at that track.

4. Note drawn or ruled out horses.

5. Record time in minutes, seconds, and fifths of seconds.

6. Check eligibility certificates before the race, and after the race enter all information provided for, including the horse's position in the race if it was charted.

7. Verify the correctness of the stewards' book including race time, placing and money winnings, reasons for disqualifications, if any, and see that the book is properly signed.

8. Forward the stewards' book, charts and marked programs to the racing commission and the U.S.T.A. the day following each racing day.

9. Notify owners and drivers of penalties assessed by the officials.

(3) Upon request may assist stewards in placing horses.

(4) After the race, return the eligibility certificate to the owner of the horse or the representative when requested.

b. Reserved.

9.2(11) Starter.

a. *General authority.* The starter is responsible to provide a fair start for each race.

b. *Report violations.* The starter shall report to the stewards any violations of these rules occurring in the starting of a race.

9.2(12) Timer.

a. *General authority.* Each association shall provide for each race an official timer who shall occupy the timer's stand or other appropriate place to observe the contesting of each race.

b. *Recordings of time.* The timer shall record permanently the time elapsed between the start and finish of each race.

9.2(13) Patrol judges.

a. *General authority.* An association may employ patrol judges who shall observe the contesting of the race and report to the stewards.

b. *Duty stations.* Each patrol judge shall have a duty station assigned by the stewards.

9.2(14) Placing judges.

a. *General authority.* It is the duty of the placing judges to determine the winner of each race and the order of finish for each of the remaining horses in the race. In case of a difference of opinion among the judges, the majority opinion shall govern. In determining places at the finish of a race, the placing judges shall consider only the noses of the placing horses.

b. *Corrections.* The placing judges, with approval of the stewards, may correct errors in their determination of the placing of horses at the finish before the display of the official sign, or if the official's sign has been displayed in error, after that display. If the display is in error, no person shall be entitled to any proceeds of the pari-mutuel pool on account of the error.

c. The stewards' decision on the race shall be final.

9.2(15) Commission veterinarians.

a. The commission shall employ graduate veterinarians licensed to practice in the state of Iowa at each race meeting as provided in Iowa Code section 99D.23. The veterinarians shall advise the commission and the stewards on all veterinary matters.

b. The commission veterinarians shall have supervision and control of the detention barn for the collection of test samples for the testing of horses for prohibited medication as provided in Iowa Code sections 99D.23 and 99D.25. The commission may employ persons to assist the commission veterinarians in maintaining the detention barn area and collecting test samples.

c. The commission veterinarians shall not buy or sell any horse under their supervision; shall not wager on a race under their supervision; and shall not be licensed to participate in racing in any other capacity.

d. Prerace examination. The stewards or commission veterinarians may request that any horse entered in a race undergo an examination on the day of the race to determine the general fitness of the horse for racing. During the examination all bandages shall be removed by the groom upon request and the horse may be exercised outside the stall to permit the examiner to determine the condition of the horse's legs and feet. The examining veterinarian shall report any unsoundness in a horse to the stewards.

e. Inspection prior to and following a race. All of the horses in a race shall be inspected during warm-ups and in the paddock by a commission veterinarian. After the finish of a race, the veterinarian shall observe the horses upon their leaving the track.

f. The commission veterinarian shall place any horse determined to be sick or too unsafe, unsound or unfit to race on a veterinarian's list which shall be posted in a conspicuous place available to all owners, trainers, and officials.

g. A horse placed on the veterinarian's list may be allowed to enter only after it has been removed from the list by the commission veterinarian. Requests for the removal of any horse from the veterinarian's list will be accepted only after three calendar days from the placing of the horse on the veterinarian's list have elapsed. Removal from the list will be at the discretion of the commission veterinarian who may require satisfactory workouts or examinations to adequately demonstrate that the problem that caused the horse to be placed on the list has been rectified.

h. The commission veterinarians shall perform the duties and responsibilities regarding:

- (1) The administration of lasix and phenylbutazone;
- (2) Postmortem examination on all horses which have expired or been euthanized on racetrack grounds; and
- (3) Receipt of veterinary reports as required by Iowa Code section 99D.25.

9.2(16) *Licensed charter.* The charting of a race is mandatory and the track shall employ a licensed charter.

491—9.3(99D) Track licensee's and general manager's responsibilities.

9.3(1) *Maintenance of grounds, facilities and uniform track.* Each licensee shall at all times maintain its grounds and facilities to be neat and clean, well-landscaped, painted and in good repair, with special consideration for the comfort and safety of patrons, employees, other persons whose business requires their attendance and for the health and safety of the horses.

a. Insect control. When a race meeting is in progress, or scheduled for opening, the association shall provide systematic and effective insect control against flies, mosquitoes and other insects at all times.

b. Stalls. The association shall ensure that horses are stabled in individual box stalls; that the stables and immediate surrounding area are maintained in approved sanitary condition at all times; that satisfactory drainage is provided; and that manure and other refuse are kept in separate boxes or containers at locations distant from living quarters and promptly and properly removed.

c. Paddocks and equipment. Management shall be responsible to ensure that paddocks, starting gates and other equipment subjected to contact by different animals are kept in a clean condition and free from dangerous surfaces.

d. Receiving barn and stalls. Each association shall provide a conveniently located receiving barn or stalls for the use of arriving horses during the meeting. The barn shall have adequate stable room and facilities, hot and cold water, and stall bedding. The association shall employ attendants to operate and maintain the receiving barn or stalls in clean and healthful condition.

9.3(2) *Racing surfaces.* Each racing association shall attempt to provide:

- a. Training and racing surfaces whose construction, elevation, and surfaces have received scientific approval as safe and humane;*
- b. Adequate and proper equipment to maintain surfaces;*
- c. Sufficient trained personnel to properly operate equipment.*

9.3(3) *Appointment of racing officials and department heads.* Rescinded IAB 3/7/90, effective 4/11/90.

9.3(4) *Horsemen's bookkeeper.*

a. Each association shall maintain a separate bank account, to be known as the "horsemen's account," which shall, at all times, have sufficient funds to pay all money owed to horsemen in regard to purses, stakes, rewards, claims, and deposits. Withdrawals from this account shall at all times be subject to audit by the commission, and the horsemen's bookkeeper in charge of the account shall be bonded in an amount determined by the commission.

b. All portions of purse money shall be made available to their earners within 48 hours (Sundays excluded) after the result of the race in which the money was earned has been declared official; except, however,

(1) When the stewards or commission order money withheld until final adjudication of a dispute determining which persons are entitled to the money in dispute.

(2) Until all tests of body fluid samples of earners of purse money have been cleared by the racing chemist through the commission or the stewards.

c. No portion of purse money shall be deducted by the association for itself or for another, unless so requested in writing by the person to whom the purse moneys are payable, or the person's duly authorized representative. Irrespective of whether requested, the horsemen's bookkeeper shall mail to each owner a duplicate of each record of a deposit, withdrawal, or transfer of funds affecting the owner's racing account at the close of each race meeting.

9.3(5) *Results boards, totalizators required.* Each licensee shall provide and maintain computer-operated totalizators and electronic boards showing odds, results, and other racing information located in plain view of patrons.

9.3(6) *Lighting.* Each association shall provide and maintain adequate illumination in the barn area, parking area, and racetrack area.

9.3(7) *Facilities for commission.* Each association shall provide adequate furnished office space, including utilities, direct long distance access, custodial services, and necessary office equipment, for the exclusive use of the commission employees and officials. The licensee also shall make available to the commission a table and appropriate parking places for commission and staff throughout each racing day.

9.3(8) *Sanitary facilities for patrons.* Each licensee shall, on every racing day, provide adequate and sanitary toilets and washrooms, and furnish free drinking water for patrons and persons having business on the association's grounds.

9.3(9) *First-aid room.* Each licensee shall equip and maintain adequate first-aid facilities and have in attendance a competent physician, a registered nurse, a licensed practical nurse, a paramedic, or an emergency medical technician during racing hours.

9.3(10) *Communications system.* Each licensee shall install and maintain in good working service communications systems between the stewards, pari-mutuel department, starting gate, public address announcer, paddock, testing area, and necessary on-track officials.

9.3(11) *Security.* Each licensee shall provide and maintain competent police and watchperson services night and day, in and about the grounds to secure restricted areas such as the barn area, the paddock, the testing area, the pari-mutuel area and elsewhere where needed. They shall furnish daily to the commission and to the division of criminal investigation office a report on any disturbances, drunkenness or disorderly conduct committed by any person on the grounds. The stable area shall be properly fenced as defined by the commission and admission to the stables permitted only in accord with rules of the commission. No person shall be admitted to the stable area except:

a. *Licensees.* Licensees whose duties require them to be in the area and who are wearing a photographic identity badge issued by the commission;

b. *Temporary pass holders.* The association shall develop a policy for the issuance of temporary passes to be approved by the administrator for entrance to the stable area. A temporary pass shall be available only to guests of the association, commission or guests of the following: trainers, owners,

drivers, veterinarians, or other appropriately licensed individuals. The temporary pass is not an occupational license and does not permit the holder to work in any capacity or in any way confer the benefits of an occupational license to participate in racing.

9.3(12) *Ejection or exclusion.* A licensee may eject or exclude any persons, licensed or unlicensed, from any part of the grounds, solely of its own volition and without any reason or excuse, provided, however, ejection or exclusion is not founded on race, creed, color, or national origin.

The licensee shall eject or exclude from the grounds all persons believed to be engaged in a book-making activity or solicitation of bets or touting, and a report shall be submitted promptly to the commission, to the stewards, and to the division of criminal investigation.

Licensees shall eject or exclude from the grounds all persons who as a business or for any compensation shall, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise or participate in any transmission (Iowa Code section 725.7(1)).

Reports of all ejections or exclusions from association grounds for any reason shall be made immediately to the commission, stewards, and the division of criminal investigation, stating the names of all persons and circumstances.

The commission may exclude any persons ejected from a pari-mutuel facility in this state from any or all pari-mutuel facilities upon a finding that their attendance would be adverse to the public interest.

9.3(13) *Admissions.* In addition to the requirements of Iowa Code sections 99D.14 and 99D.19, tax-exempt admission credentials shall not be transferable and licensees shall exclude or eject from the grounds any person attempting to use tax-exempt admission credentials not issued to that person by the association. Tax-exempt passes shall be limited to guests of the commission and holders of current valid occupational licenses, except that tax-exempt passes may be issued by the licensee if prior approved by the administrator.

All gates used for admission of patrons must have turnstiles of a type approved by the commission, equipped with meters. Turnstiles must be numbered consecutively or have other means of individual identification.

All licensees must give a ticket good for one admission to each person having paid an admission charge on a day when races are discontinued due to weather, malfunction of equipment, or other unforeseen circumstances which might prevent the patron from participating in a major portion of any racing program conducted by the licensee.

a. A supply of tickets shall be prepared and available for distribution prior to the opening of any race meeting. The holder of a ticket shall be admitted without further charge on any race day of the meeting.

b. The number of tickets distributed shall be reported to the racing commission immediately after distribution.

c. All tickets presented for admission must be filed with the racing commission daily.

9.3(14) *Condition for license.* Every license to hold a race meeting in Iowa is granted upon the condition that the licensee shall accept, observe, and enforce the rules of the commission. Furthermore, it shall be the duty of each and every officer, director, official and employee to observe and enforce the rules. Failure to comply with the rules of the commission may result in penalties the commission deems proper, including revocation of the license.

9.3(15) *Commission approval.* Any licensee contemplating any change of any kind pertaining to the racetrack itself, or the erection of any buildings, stands or other structures, or the remodeling of any of these which are to be used as a part of the facilities for conducting a race meeting, on the grounds of the licensee, shall first submit plans to and receive the approval of the commission.

9.3(16) *Photo-finish camera.* Each association shall provide photo-finish equipment, to assist the placing judges in determining the order of finish. Whenever the placing judges post the "photo" sign on the tote board, at least one photograph or television picture of that "photo" shall be posted conspicuously and promptly after each race. The association shall retain and secure all photo-finish prints or negatives until the first day of the following racing season.

9.3(17) Starting gate. Each association shall maintain at least two operable starting gates during racing hours. The association shall also make at least one starting gate along with adequate personnel available for schooling on qualifying days, exclusive of nonrace days.

9.3(18) Distance poles. Each association shall maintain distance poles as follows:

1/4 poles	red and white
1/8 poles	green and white
1/16 poles	black and white

9.3(19) Detention enclosure. Each association shall maintain a detention enclosure for use by the commission in securing from horses who have run in a race, samples of urine, saliva, blood or other bodily substances or tissues for chemical analysis. The enclosure shall include a wash rack, commission veterinarian office, a walking ring, at least four stalls, a workroom for the sample collectors with hot and cold running water, and glass observation windows for viewing the horses from the above office and workroom.

An owner, trainer or designated representative, licensed by the Iowa racing and gaming commission, must be with a horse at all times in the detention barn.

9.3(20) Ambulance. Each association shall maintain, on the grounds during every day that its track is open for racing or exercising, an ambulance for humans and an ambulance for horses, equipped according to prevailing standards and manned by medical doctors, paramedics or other personnel trained to operate them. When an ambulance is used for transfer of a horse or patient to medical facilities, a replacement ambulance must be furnished by the track to comply with this rule.

9.3(21) Helmets. The association shall not allow any person to drive any horse on association grounds unless that person is wearing a protective helmet of a type approved by the commission.

9.3(22) Fire protection. The association in accordance with applicable state fire codes shall prohibit for the protection of persons and property from fire damage the following:

- a. Smoking in horse stalls, feed and tack rooms, and in the alleyways,
- b. Sleeping in feed rooms or stalls,
- c. Open fires and oil- or gasoline-burning lanterns or lamps in the stable area,
- d. Leaving electrical appliances unattended, or in unsafe proximity to walls, beds or furnishings,
- e. Keeping inflammable materials, including cleaning fluids or solvents, in the stable area.

9.3(23) Electric timing device. Any electric timing device used by the association shall be approved by the commission.

9.3(24) Stewards' communication. The association shall provide adequate communication between the stewards and each steward's station and necessary on-track officials.

9.3(25) Public information.

a. A printed program shall be available to the public at all meetings. All programs furnished by the association shall contain:

- (1) Horse's name and sex.
- (2) Color and age.
- (3) Sire and dam.
- (4) Owner's name.
- (5) Driver's name and colors.
- (6) Age and weight.
- (7) In claiming races the price for which the horse may be claimed.
- (8) At least the last six performances and accurate chart lines. An accurate chart line shall include:

date of race, place, size of track if other than a half-mile track, symbol for free-legged pacers, track condition, type of race, distance, the fractional times of the leading horse including race time, post position, position at one quarter, one half, three quarters, stretch with lengths behind leader, finish with lengths behind leader, individual time of the horse, closing dollar odds, name of the driver, names of the horses placed first, second and third by the judges. The standard symbols for breaks and parkouts shall be used where applicable.

- (9) Indication of drivers racing with provisional licenses.
- (10) Indication of pacers that are racing without hopples.
- (11) Summary of starts in purse races, earnings, and best win time for current and preceding year. A horse's best win time may be earned in either a purse or nonpurse race.
- (12) The name of the trainer.
- (13) The consolidated line shall carry date, place, time, driver, finish, track condition and distance, if race is not at one mile.
- (14) A list of all horses drawn into an early closer, a late closer, stake or futurity. Explanation:
Early closer—a race in which entries close at least six weeks preceding the race.
Late closer—a race in which entries close less than six weeks and more than three days before the race is contested.
Futurity—a stake in which the dam of the competing animal is nominated.
Stake—a race which will be contested in a year subsequent to its closing.
- (15) Disclosure of any lessor/lessee agreement and the names of the parties thereto.

b. Reserved.

9.3(26) *Financial report.* Each licensee shall file with the commission an annual balance sheet and profit and loss statements pertaining to the licensee's racing activities in the state, together with a list of directors, officers or members of the license or other person, including concession and management companies, having any beneficial interest in the racing activities of each licensee.

9.3(27) *Track payroll to stewards.* The racing association shall provide commission stewards with copies of all track payroll so that it may be determined whether all track employees have been licensed.

9.3(28) *Failure to comply.* Failure for the track licensee or general manager, or both, to comply with provisions of this rule shall be prima facie evidence that a violation of these rules has occurred.

491—9.4(99D) Licensees.

9.4(1) *Licenses required.* Every person participating in harness racing, whether as association board member or employee, concessionaire/contract holder, an owner or general manager of same, concessionaire employee, or racing official, and all other persons whose duties require them to be present on association premises during racing hours, or to regularly visit the premises during racing hours, are required to have an occupational license from the commission authorizing them to be employed on the licensed premises and to practice their business, profession or skill. License applicants may be required to furnish to the commission a set of fingerprints and may be required to be refingerprinted or rephotographed periodically.

a. Licensing fees—commission. The following fees shall be charged by the Iowa racing commission for licenses issued:

For manager, assistant manager, concession operator, owner/trainer/driver, racing secretary, corporation and mutuel manager: \$20

For announcer, corporate director/officer, assistant racing secretary, chart writer, official, outrider, owner, stable name, track superintendent, trainer, veterinarian, driver/jockey, authorized agent, film patrol, partnership, photo-finish operator and all other officials: \$10

For concession employee, groom, exercise rider, mutuel employee, totalizator employee, maintenance, security, administration and parking/admissions: \$5

Duplicate licenses shall be \$5.

b. The commission shall charge the applicant a fee set by the Federal Bureau of Investigation (FBI) to cover the cost associated with the search and classification of fingerprints. This fee is in addition to any other license fee charged by the commission.

c. Multiple license restrictions. A person licensed as a jockey, veterinarian or farrier may not be licensed in another capacity. No racing official may serve or act in another capacity at a race meeting at which that person is licensed as an official. No licensee shall act in any capacity other than that for which that person is licensed.

9.4(2) *License acceptance.* Acceptance of the license or permit from the commission by any licensee is deemed a consent to search and inspect by the commission pursuant to this rule and to the seizure of any prohibited medication, drugs, paraphernalia or devices.

a. Misuse of license. No person shall exercise or attempt to exercise any of the powers, privileges, or prerogatives of a license unless and until the appropriate licensing form has been executed and filed with the commission. The commission shall exercise the power to regulate the conduct of all persons holding licenses or who are participating in racing by the use or exercise of any rights, powers, privileges, or prerogatives of a license.

b. Knowledge of rules. Every licensee, in order to maintain qualifications for any license held, shall be familiar with and knowledgeable of the rules including all amendments thereto. Every licensee is presumed to know the rules.

c. Identification badges. Employees are required to wear identification badges at all times while on duty, or in a restricted area, unless it is determined by the board of stewards to be impractical.

9.4(3) *Recommendations by stewards.* A license may not be issued to applicants who have not been licensed in the following categories except upon prior recommendation by the stewards: trainers, assistant trainers, drivers and other occupations the commission may designate. The stewards for the purpose of determining a recommendation of this subrule may add to their membership a representative of the association, or the horsemen, or the drivers. The commission may not issue licenses to applicants previously not licensed in this state for the occupations listed herein, except upon prior recommendation by the stewards at the meeting: owners, trainers, drivers, blacksmiths, apprentice blacksmiths, veterinarians, veterinarian assistants, horse dentists, and authorized agents. The stewards may, for the purpose of determining recommendation under this subrule, add to their membership a representative of the association, or of the horsemen, or of the blacksmiths, or of the drivers or the commission veterinarian. The stewards may require any applicant to support the application by endorsers who may be called to testify as to the applicant's qualifications for license.

9.4(4) *Unlicensed employees.* The employment at any association premises of any unlicensed person by an association, owner, trainer or other licensee is prohibited. Upon discharge of any licensed employee by any licensed employer or association for violation of rules or laws within the jurisdiction of the commission, the employer must report that fact, in writing, to the commission, including the name and occupation of the discharged licensee and the reasons for the discharge. A licensed employer or association shall make every attempt to obtain the license of employees no longer employed by them for whatever reason and deliver the license to the commission or stewards.

9.4(5) *Applications endorsed by associations and concessionaires.* The commission may not issue any license to any association employee or to any concessionaire employee unless the application includes the prior endorsement of the employee's department head.

The responsibility of licensing an employee rests with the employer. Employment of a nonlicensed individual without reporting to the stewards and immediately obtaining a license for the employee may be cause for suspension or fine or both.

9.4(6) *Temporary emergency license certificates.*

a. A temporary horse owner's license certificate may be issued at the discretion of the stewards.

b. Upon submission of affidavit setting forth the emergency by the owner's trainer, the stewards may approve issuance of a temporary emergency license certificate to an owner. This certificate will be good for one start.

c. Failure to obtain a permanent license within 30 days may result in the automatic revocation of the owner's license eligibility, and may result in a fine or suspension for the affiant that has failed to comply.

d. Purses shall not be paid to the owner of any horse holding a temporary license certificate pursuant to the provisions of this subrule. Payments shall only be permitted after the individual has obtained a permanent license.

e. Before a horse leaves the paddock, its trainer and owners must be licensed. In the case of absentee owners, the trainer must submit a properly executed temporary application on behalf of the ab-

sentee owner(s). Failure on the part of owners to fully comply with the 30-day requirement will result in fine, suspension or both.

9.4(7) Background investigations. All licenses are temporary until completion of necessary background investigation, including fingerprinting processing through the division of criminal investigation and the FBI, and research and review of records on file with the Racing Commissioners International, courts, law enforcement agencies and the commission. Any licensed person who allows another person use of the license badge for the purpose of transferring any of the benefits may be suspended and fined, or have the license revoked, or both. No license shall be transferable and no duplicate cards shall be issued except upon payment of a fee.

9.4(8) Applicability of rules to spouse and family. Rules pertaining to and ruling against licensees shall apply in like force to the spouse and members of the immediate family or households of the licensee, unless the stewards find there is a showing on the part of an affected spouse, or affected member of the immediate family or household of the licensee, and that the continuation of participation in racing by the affected person will in no way circumvent the intent of the rule, or effect of the ruling, by permitting a person under the control or direction of the licensee to serve in essence as a substitute for a suspended licensee, or person ineligible to participate in a particular activity.

9.4(9) Ineligible license applicants. The board of stewards may find an applicant ineligible for a license and deny, suspend or revoke the license of any applicant or holder who:

a. Has been convicted of any of the offenses listed below, if the commission determines that the circumstances of the offense giving rise to the conviction make the applicant's presence a hazard to the regulation and conduct of racing and pari-mutuel wagering, or may reasonably undermine the public confidence in the integrity of racing:

- (1) Offenses related to bookmaking; or
- (2) Offenses related to arranging the outcome of a race, or to any fraud or deception while participating in racing or pari-mutuel wagering activities; or
- (3) Offenses related to representations made about any horse, ownership interest in a horse, or lease or sale of any horse; or

b. Is not 18 years of age except that persons under 18 years of age may be employed on association premises in stables, parking lots, kitchens and in maintenance and administrative offices, but never allowed near areas where alcohol is served or wagering is being conducted (license applications for those under 16 years of age will be considered on a case-by-case basis);

c. Has demonstrated a lack of financial responsibility in transactions related to racing or pari-mutuel wagering;

(1) Issuance or passing of bad checks. No person shall write, issue, make, or present any check in payment for any of the following: license fee, driver fee, nomination fee, entry fee, starting fee, or purse payment; when that person knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which it is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account.

(2) Judgments. Whenever a licensed owner or trainer or any of their licensed employees, or any other person licensed to engage in racing, shall suffer a final judgment entered against that person in any court of competent jurisdiction within the United States, when that judgment is based wholly upon an indebtedness incurred by that person for supplies, equipment or services furnished in connection with racing; then the commission shall advise the licensee that a hearing will be scheduled at which time the licensee will be required to show cause as to why the license should not be suspended.

(3) Timely payment. Should an owner fail to make timely payment of any driver fee, nomination fee, entry fee, starting fee or any other reasonable charge normally payable to the racing association, the horseman's bookkeeper shall notify the stewards who shall in turn give notice to the owner that a hearing will be held where the owner will be required to show cause why the license should not be suspended for failure to make the required payments.

d. Is ineligible to participate in racing in another state, or racing jurisdiction whose racing regulatory agency is recognized by and reciprocates in the actions of this state;

e. Seeks application for more than one occupational license, if in the determination of the stewards, the holding of the two licenses would subject the applicant to a conflict of interests in those two licensed activities;

f. Is employed in any part- or full-time employment with a government or private employer in any work in which a conflict exists with the interests and objectives of a licensed employer;

g. Has been denied patron privileges by order of this commission and not reinstated;

h. Is not of good moral character (refer to 491—subrule 5.7(4));

i. Is unqualified, by experience or otherwise, to perform the duties required;

j. Has engaged in conduct in Iowa or elsewhere in connection with horse racing that has been objectionable, obnoxious, or detrimental to the best interest of racing.

k. A license shall be denied, and if already issued, shall be subject to fine, suspension or revocation if the applicant does not qualify under the following screening policy:

(1) Use of alias. A license shall be denied if alias was used in connection with a fraud within the last five years.

(2) Conviction of a felony or drug-related offense. If conviction occurred within the last five years, the license shall be denied. If conviction occurred within the last ten years, a license may be issued if the stewards or administrator's designee determines that sufficient evidence of rehabilitation exists.

(3) The conviction of a serious or aggravated misdemeanor or the equivalent. If conviction occurred within the last ten years, a license may be issued if the stewards or administrator's designee determines that sufficient evidence of rehabilitation exists.

(4) Conviction of simple misdemeanors and alcohol-related offenses. A license may be issued if the stewards or administrator's designee determines that sufficient evidence of rehabilitation exists. In making that determination the number of violations will be considered.

(5) Existence of pending charges. A license shall be temporarily denied until the outcome is known of any pending charges if conviction of those charges would disqualify the applicant.

(6) A license shall be denied if an applicant has a current addiction to alcohol or controlled substance; has a history of mental illness, without sufficient evidence of rehabilitation; or has a history of repeated acts of violence, without sufficient evidence of rehabilitation.

(7) A license shall be denied if the applicant has had two rulings related to attempts to affect a race result or odds (i.e., buzzers, serious positives) in a lifetime or one ruling within the last three years. A license may be issued if one ruling has occurred outside of three years if sufficient evidence of rehabilitation exists. A license may be denied if a lengthy record of rulings from other jurisdictions exists.

(8) If the applicant falsifies the application and would be ineligible for licensure in (1) to (7) above, the license shall be denied and evidence shall be forwarded to the county attorney for prosecution under Iowa Code section 99D.8A(4). In the case of other falsifications, a license may be issued and the applicant shall be subject to a fine.

(9) A license may be denied if the applicant has been guilty of multiple offenses. The stewards or the administrator's designee shall use their judgment in making a determination.

(10) The provisions of (1) to (9) above may be waived with written approval of the administrator after receipt of a written request for waiver with justification from the stewards or administrator's designee.

9.4(10) Duration of license.

a. Licenses issued by the commission shall be good for one calendar year or period of time greater than one year as permitted by the administrator.

b. The commission may also issue a license good for one racing season at a pari-mutuel facility.

c. The board of stewards or administrator's designee may grant a probationary license. Any licensee who by an act of commission or omission violates any of the rules of the commission while holding a probationary license shall be subject to a fine, suspension or denial.

9.4(11) *Workers' compensation.* Every owner or trainer who hires anybody as an employee must carry workers' compensation insurance covering all employees in accordance with Iowa law.

9.4(12) *Best effort.* All licensed personnel are expected to give their best efforts to win in all races in which they participate.

9.4(13) *Prohibited practices—grounds for denials, suspension or revocation of a license.* In addition to the criteria in 9.4(9), the commission may refuse to issue a license to an applicant or may suspend or revoke a license issued, or order disciplinary measures for the following:

a. Giving or offering directly or indirectly a bribe in any form to any person licensed by the commission to violate these rules or the laws of this state related to racing.

b. Soliciting or offering to accept directly or indirectly a bribe in any form by a person licensed by the commission to violate these rules or the laws of this state related to racing.

c. Failing as a licensee to report any bribe or solicitation.

d. Soliciting by any licensee, except the association, of bets by the public.

e. Improperly influencing or attempting to improperly influence the results of a race or combining with any person or conspiring to combine with any person to improperly influence or attempt to improperly influence the results of a race.

f. Entering or starting a horse known or believed to be ineligible or disqualified.

g. Offering or receiving money or other benefit for withdrawing a horse from a race.

h. Tampering with eligibility certificates.

i. Bookmaking, which is the taking or receiving of a wager upon the result of any horse race of which betting is being conducted by any association licensed by the commission, except through the regular betting windows and facilities provided by the association.

j. The giving under oath of any false statement or the refusing to testify after proper notice to the commission about any matter regulated by the commission, except in the exercise of a lawful legal privilege.

k. Subjecting an animal to cruel and inhumane treatment by failing to supply it with adequate food, water, medical treatment, exercise, bedding, sanitation, or shelter, or by neglect or intentional act cause a horse to suffer unnecessary pain.

l. The giving under oath of any false, misleading, or inaccurate information about a horse's performance for publication in a printed program or racing publication.

m. In addition to any of the foregoing prohibited practices, any person who commits an act on the grounds of any pari-mutuel facility which is patently contrary to the best interest of racing or which is in violation of a criminal statute of the United States of America or this state and classified as a felony shall be subject to administrative action including license revocation, suspension, fine or deprivation of patron privileges.

n. Disorderly or offensive conduct that breaches the public peace or use of profane, obscene or indecent language so as to be heard by another or offer prohibited conduct to any representative of the commission or the association or interference with a commissioner, a member of the commission staff or racing official while they are discharging their duties.

o. Possession, carrying or exhibiting a deadly weapon, or otherwise disturbing the peace on the premises of any licensee. This rule does not prohibit the carrying of a weapon by any duly authorized law enforcement officer or licensed security personnel engaged in their duties.

p. Possessing any equipment for hypodermic injection or any substance for hypodermic administration by anyone other than a veterinarian licensed by the commission. Notwithstanding the provisions of this subrule, any person may have in possession within a racetrack enclosure any chemical or biological substance for use on the person's own self, provided that, if the chemical substance is prohibited from being dispensed by any federal law or law of this state without a prescription, the person is

in possession of documentary evidence that a valid prescription has been issued to the person. Notwithstanding the provisions of this subrule, any person may have in possession within any racetrack enclosure any hypodermic syringe or needle for the purpose of administering to the person's own self a chemical or biological substance, provided that the person has notified the state stewards of the following:

- (1) The possession of the device,
- (2) The size of the device, and
- (3) The chemical substance to be administered, and has obtained written permission for possession and use from the steward.

9.4(14) Alcohol and drug testing rule. Rescinded IAB 3/6/91, effective 4/10/91; see 491—4.27(99D).

9.4(15) Veterinarians.

a. Eligibility. Every veterinarian practicing on association premises must be:

- (1) Licensed by the state veterinarian regulatory authority; and
- (2) Licensed by the commission.

b. Practicing veterinarians.

- (1) Prohibited acts.
 1. Ownership. A licensed veterinarian practicing at any meeting is prohibited from possessing any ownership, directly or indirectly, in any horse racing during the meeting.

2. Wagering. Veterinarians licensed by the commission as veterinarians are prohibited from placing any wager of money or other thing of value directly or indirectly on the outcome of any race conducted at the meeting at which the veterinarian is furnishing professional service.

3. Prohibition of furnishing injectable materials. No veterinarian shall within the association grounds furnish, sell or loan any hypodermic syringe, needle, or other injection device, or any drug, narcotic or prohibited substance to any other person within the grounds of an association where race horses are stabled unless with written permission of the stewards.

- (2) Single-use syringes. The use of other than single-use disposable syringes and infusion tubes on association premises is prohibited. Whenever a veterinarian has used a hypodermic needle or syringe the veterinarian shall destroy the needle and syringe and remove it from the association premises.

- (3) Veterinarians must submit daily to the commission veterinarian on a prescribed form a report of all medications and other substances which the veterinarian prescribed, administered or dispensed for horses registered at the current race meeting as provided in Iowa Code section 99D.25. Reports shall be submitted in a manner and at a time determined by the commission veterinarians not later than the day following the treatments being reported. Reports shall include the horse, trainer, medication or other substance, dosage or quantity, route of administration and time administered, dispensed or prescribed.

- (4) Report of illness. Each veterinarian shall report immediately to the stewards and the commission veterinarian any illness in a horse entrusted to the veterinarian's care presenting unusual or unknown symptoms.

c. Employees. Practicing veterinarians may have employees working under their direct supervision licensed as "veterinary assistants" or "veterinary technicians." Activities of these employees shall not include direct treatment or diagnosis of any horse. A practicing veterinarian must be present if an employee is to have access to injection devices or injectables.

d. Equine dentistry. Equine dentistry is considered a function of veterinary practice by the Iowa veterinary practice Act. Any dental procedures performed at the racetrack must be performed by a licensed veterinarian or a licensed veterinary assistant.

9.4(16) Owners.

a. Corporation.

- (1) Duly licensed. The corporation shall be duly licensed and authorized to do business within this state.

(2) Individuals licensed. In a corporation the following individuals must be licensed by the commission.

1. The chief executive officer.
2. All stockholders owning a beneficial interest of 5 percent or more.

For purposes of all licensing rules, beneficial interest includes all direct and indirect forms of ownership or control, voting power, or investment power, held through any contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.

(3) Corporate changes. Any and all changes in either the corporation structure or the respective interest of stockholders as described in “2” above must be notarized and promptly filed with the commission.

(4) Authorized agent. A corporation, in lieu of the executive officer, must appoint a racing manager or an authorized agent for the purposes of entry, scratches and the signing of claim slips among other obligations.

(5) License eligibility. The commission may deny, suspend or revoke the license of a corporation in which a beneficial interest includes or involves any person or entity which would be, or is, ineligible in any respect, such as through character, moral fitness or any other criteria employed by this commission, to be licensed as an owner or to participate in racing, regardless of the percentage of ownership interest involved.

(6) Beneficial interest. Any stockholder holding a beneficial interest of 5 percent or more of a corporation shall, in addition to being licensed, list any interest owned in all racing horses in which any beneficial interest is owned.

(7) Corporation name. All horses owned by a corporation must race in the name of the corporation or in the name of the chief executive officer with a designation (C) following the name.

(8) Eligibility certificate. The commission or the stewards shall review the ownership of each horse entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owner(s). The commission or stewards may determine the validity for racing purposes of all liens, transfers and agreements pertaining to ownership of a horse, and may call for adequate evidence of ownership at any time. The commission or stewards may declare ineligible to race any horse, the ownership or control of which is in question.

(9) Coupling. For purposes of this subparagraph only, “ownership” shall mean any individual person or entity required to be licensed as an owner pursuant to these rules and, in the instance of corporations, individuals or entities possessing an aggregate commonality of ownership of 25 percent interest in any of the respective horses provided, however, that when a trainer enters two or more horses in a stake, handicap, futurity, or other special event under beneficial separate ownerships, the horse may, at the request of the association and with the approval of the commission or stewards, be permitted to race as a separate wagering entity.

(10) Coupling divisions. If the race is split in two or more divisions, horses in an “entry” shall be seeded in separate divisions insofar as possible, but the divisions in which they compete and the post position shall be determined by lot.

(11) Nonlicensed stockholders. The corporation stockholders owning less than 5 percent of the stock of a corporation need not be licensed; however, a list of all stockholders may be requested by the commission. The list shall include names, percentages owned, addresses, social security numbers and dates of birth. These stockholders need not be licensed and will not have access to the backstretch, to the paddock area, or to the winner’s circle other than as guests of association or designated licensees (subrule 9.3(11)“b”). These stockholders may be required by the commission to submit additional information, which may include a release for confidential information and submission of fingerprint cards and the commission may assess costs, as required for criminal history checks. This information shall be supplied to the racing commission within 30 days of date of the request.

(12) Disclosures. Disclosure of the full nature and extent of all beneficial interests may be requested by the commission and shall include the names of all individuals and entities, the nature of their relationships, and the exact nature of their beneficial interest.

(13) Disclosure time. Disclosure of ownership shall be made when registering each horse with the racing secretary upon arrival on the grounds of any association, but no less than 48 hours prior to entry and shall be revised immediately upon any subsequent change in ownership.

(14) Disclosure documents. The disclosure, together with all written agreements and affidavits setting out oral agreements pertaining to the ownership of or rights in and to a horse, shall be attached to the registration certificate for the horse and filed with the racing secretary, who shall be responsible for the care and security of the papers while the horses are located on the permittee's grounds.

(15) Public disclosure. Disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the racing commission shall be available for public inspection.

b. General partnership.

(1) Duly licensed. Each partner in a general partnership must obtain a license. The commission will deny, suspend, or revoke the license of any partnership in which there is a member whose interest is qualified or limited by rights or interests held or controlled by any individual or entity which would be ineligible to be licensed as an owner, or to participate.

(2) Partnership documents. A partnership may be requested to file with the commission a copy of the agreement attached to the registration certificate on file in the racing secretary's office whereby one member of the partnership shall be designated to be responsible for each horse. (This responsibility shall not include the responsibility of the trainer imposed by 9.4(17) "b"(1) in connection with the condition of the horse, unless the responsible person under the agreement is also the trainer.) This agreement must be notarized and must be signed by all partners.

(3) Authorized agent. An authorized agent must be appointed to represent the partnership in all matters and be responsible for all stakes, forfeits, power of entry, scratches, signing of claim slips, and other obligations. (The authorized agent may also be a partner.)

(4) Commission review. The commission or the stewards shall review the ownership of each horse entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owner(s). The commission or stewards may determine the validity for racing purposes of all liens, transfers and agreements pertaining to ownership of a horse, and may call for adequate evidence of ownership at any time. The commission or stewards may declare ineligible to race any horse, the ownership or control of which is in question.

(5) Partnership changes. Any alteration in a partnership structure or percentages shall be reported promptly in writing, notarized, signed by all members of the partnership, and filed with the commission.

(6) Interest in partnership. Any owner who is a member of a partnership shall list all horses in which an interest is owned, either whole or part.

(7) Partnership designation. All horses owned by a partnership shall race in the same name with a designation (P) following the name.

(8) Coupling. For the purpose of this subparagraph only, "ownership" shall be construed to mean any individual person or other entity required to be licensed as an owner pursuant to these rules and in the instance of a partnership, individual persons or other entities possessing a commonality of interest in each of the respective horses provided, however, that when a trainer enters two or more horses in a stake, handicap, futurity or other special event under beneficial separate ownerships, the horse(s), at the request of the racetrack operator and with the approval of the commission or stewards, may be permitted to race as separate wagering entities. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible, but the divisions in which they compete and the post positions shall be determined by lot. A licensed member of a partnership may not

have an interest in more than one horse in any race unless that horse(s) is coupled except by permission of the stewards.

c. Limited partnership.

(1) Duly licensed—limited partnership forms. A limited partnership must supply to the commission certified copies of its proof of compliance with filing or registration requirements.

(2) Individuals licensed. The general partner(s) in a limited partnership must be licensed by the commission and so must any member of the limited partnership with a beneficial interest of 5 percent or more of the limited partnership. It is the responsibility of the limited partnership to ensure that every partner would be eligible to be licensed. A limited partnership must have on file with the commission, a copy of which must be attached to the registration certificate of each horse in the limited partnership, a notarized designation of the general partner to represent the entire ownership of and be responsible for each horse in the limited partnership (responsibility shall not include the responsibility of the trainer imposed by 9.4(17) “b”(1) in connection with the condition of the horse, unless the general partner is also the trainer).

(3) Authorized agent. An authorized agent must be appointed to represent the limited partnership in all matters and be responsible for all stakes, power of entry, scratches, signing of claim slips, among other obligations. (The general partner, or other member, may be the authorized agent.)

(4) Partnership changes. Any alteration in the structure or percentages of the limited partnership shall be promptly reported in writing to the commission. The general partner will be responsible for reporting to the commission any interest in all racing horses in which a licensed member owns an interest.

(5) Ineligibility. The commission may deny, suspend, or revoke the license of a limited partnership in which a member whose interest is qualified or limited by rights or interests held or controlled by an individual or entity which would be ineligible to be licensed as an owner or to participate regardless of percentage of interest.

(6) Nonlicensed partners. All members of a limited partnership owning less than 5 percent shall be listed with the commission. All beneficial interests may be requested by the commission and shall include names, addresses, portion owned, social security numbers and dates of birth. The list shall be supplied to the commission by the limited partnership. A limited partner, owning less than 5 percent, need not be licensed and will not have access to the backstretch, paddock area, or to the winner’s circle other than as guests of the association or designated licensees (9.3(11) “b”), and may be required to submit additional information as requested by the commission which may assess additional fees for the purpose of criminal history checks.

(7) Disclosure. Licensed owners and licensed trainers shall be held jointly responsible for making a full disclosure of the entire ownership of each horse in their care. Disclosure shall identify in writing all individuals or entities who directly or indirectly, through a contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise hold any interest in and to the horse, and those individuals or entities who by virtue of any form of interest might exercise control over the horse or can benefit from the racing of the horse. The degree and type of ownership held by each individual person shall be designated. Disclosure shall be made when registering each horse with the racing secretary upon arrival on association grounds, or at time of entry, whichever event occurs first, and shall be revised immediately upon any subsequent change in ownership. The disclosure, together with all written agreements and affidavits setting out oral agreements pertaining to the ownership of or rights in and to a horse, shall be attached to the registration certificate for the horse and filed with the racing secretary, who shall be responsible for the care and security of the papers while the horses are located on association grounds. Disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the racing secretary shall be available for public inspection.

(8) Commission review. The commission or stewards shall review the ownership of each horse entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed

by the transferor to the present owner(s). The commission or stewards may determine the validity for racing purposes of all liens, transfers, and agreements pertaining to ownership of a horse and may call for adequate evidence of ownership at any time. The commission/stewards may declare ineligible to race any horse, the ownership or control of which is in question.

(9) Coupling. A member of a limited partnership shall not have an interest in more than one uncoupled horse in any race except by permission of the stewards. For purposes of this subparagraph only, "ownership" shall be construed to mean any individual person or entity required to be licensed as an owner pursuant to these rules and, in the instance of a limited partnership, any individual person or other entity possessing at least 5 percent beneficial interest provided, however, that when a trainer enters two or more horses in a stake, handicap, futurity, or other special event under beneficial separate ownerships, the horse(s) at the request of the association and with the approval of the commission or stewards may be permitted to race as separate wagering entities except as provided in 9.4(16) "a"(9).

(10) Coupling divisions. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible; but the divisions in which they compete and the post positions shall be determined by lot.

(11) Partnership designation. The horses owned by a limited partnership must run in the name of the general partner with a designation (LP) following the name. In the case of harness horses owned by limited partnerships, horses must race in the name of the limited partnership with a designation (LP) following the name.

d. Stable names.

(1) Authorization. Licensed owners and lessees may adopt stable farm, racing or corporate names, if registered with the U.S.T.A. and the commission.

(2) Applications for a stable name. Applications must include the identity or identities of all persons interested in the ownership of the name. After registration by the commission, changes in identities of owners of the stable name must be reported immediately to the commission and approved by them.

(3) Trainer's legal name only. A trainer who is a licensed owner or a part owner may use a stable name in the capacity of owner or part owner but a trainer may be licensed as a trainer only in the trainer's legal name.

(4) Canceling a stable name. Any person registered under a stable name may cancel the stable name by giving written notice to the commission. A stable name may be changed by registering the new name with the commission.

(5) Prohibited names. No person may register a stable name which has already been registered by another person with any other racing authority, or which is the real name of another owner of race horses or which is the real or stable name of any prominent person who does not own race horses, or which is not plainly distinguishable from that of another registered stable name or which the stewards determine is being used to advertise any product or service.

e. Leases.

(1) Approval by stewards. No licensee shall leave a horse for the purpose of racing at tracks in this state without approval of the stewards.

(2) Licensing requirements. Both lessor and lessee shall be licensed.

(3) Lease furnished to commission. Each licensee who leases a horse at any meeting must submit a copy of that lease to the stewards. The lease must contain at least all of the conditions of the lease arrangement and the names of all parties and horses related to the lease. The failure to submit accurate and complete information under this rule is a violation. The stewards shall immediately forward a copy of the lease to the commission.

(4) Lessor information. When any lessor of a harness horse is a corporation, syndicate, partnership or other entity of multiple interests, it shall furnish to the commission under oath the identification of its stockholders, members, partners or other interested person.

f. Prohibited acts.

(1) Unlicensed veterinarian. No owner or trainer shall employ a veterinarian on the grounds of a licensed racetrack who is not licensed by both this state and the commission.

(2) Ineligible entry. No owner or trainer shall enter or start a horse in any race if the horse is ineligible under these rules or the laws of this state related to racing.

(3) Trainer as agent. A trainer may represent the owner of a horse in making entry of a horse in a race, or declaring the horse out of a race.

(4) Qualifications for license as owner. No person or entity may be licensed as an owner who is not the owner of record of a properly registered race horse which is in the care of a licensed trainer.

(5) Minor owner. An owner who is a minor must have a parent or guardian cosign any contractual agreements.

9.4(17) Trainers.

a. Eligibility. No person shall hold a trainer's license unless the person:

(1) Is at least 18 years old;

(2) Is qualified, in the opinion of the stewards, by reason of experience, background and knowledge of racing. The stewards may require the passing of a written examination administered by the stewards, and the passing of a "barn test" administered by horsemen's representatives under the supervision of the stewards.

(3) Has complied with the provisions of the workers' compensation law and has secured compensation for employees in accordance with that law; and

(4) Has applied in the person's legal name, and not under any fictitious or stable name.

(5) Has a horse eligible to race and registered to race at the current race meeting.

b. Trainer responsibility.

(1) Absolute insurer. Trainers are responsible for and are the absolute insurers of the condition of the horses in their care and custody and for the conditions and contents of stalls, tack rooms, feed rooms, and other areas which have been assigned them by the association. Trainers are the absolute insurer of the condition of the horses in their care and custody during the race and are liable for the presence of any drug, medication, or any other prohibited substance in the horse during the race. A trainer whose horse has been claimed remains responsible for the horse under this rule until after the collection of urine or blood specimens as may be required. The licensed trainer of a horse found to have been administered a medication, drug, or foreign substance in violation of these rules or Iowa Code chapter 99D, shall have the burden of proof showing freedom from negligence in the exercise of a high degree of care in safeguarding the horse from tampering; and, failing to prove freedom from negligence, shall be subject to disciplinary action.

(2) The assistant trainer, groom or any other person having immediate care and custody of a horse found to have been administered a medication, drug, or foreign substance in violation of these rules or Iowa Code chapter 99D, found negligent in guarding or protecting the horse from tampering shall be subject to disciplinary action.

(3) Licensed trainers shall maintain the barn area assigned to them in a clean, neat and sanitary condition at all times and ensure that fire prevention rules are strictly observed in those areas.

(4) Report of illness or sex alteration. Trainers shall report immediately to the stewards and the commission veterinarian any illness in a horse entrusted to their care presenting unusual or unknown symptoms. Any alteration in the sex of a horse must be reported and noted by the trainer to the racing secretary or horse identification office immediately, and that office must note the same on the eligibility certificate.

(5) Trainer at paddock. A trainer or assistant must be present with the horse in the paddock and shall supervise the preparation of the horse to race unless the stewards permit a substitute trainer to perform those duties. Every trainer who sends a horse to the paddock warrants that the horse is qualified for the race, ready to run and is in physical condition to exert its best efforts, and entered with the intention to win.

(6) Paddock time. Horses must be in the paddock at the time prescribed by the stewards. Except for warm-up trips, no horse shall leave the paddock until called to the post.

(7) Trainer prohibited acts.

1. Entry ineligible. No trainer shall enter or start a horse in any race if the horse is ineligible under these rules or the laws of this state related to racing.

2. Employees.

Unlicensed veterinarian. No trainer shall employ a veterinarian on the grounds of a licensed race-track who is not licensed by both this state's veterinary regulatory authority and the commission.

Minor. No trainer shall employ any person under the age of 16. Persons under the age of 16 may be allowed to work for their parents if one of their parents is present during working hours.

3. Training for suspended persons. No trainer shall train or be responsible for any horse which is wholly or partly owned by a person under suspension by the stewards or the commission.

(8) Horse registration. Trainers may not participate in racing nor stable any horses on association grounds unless the horses in their charge and for which they are responsible are registered with the racing secretary of the association immediately upon arrival at licensed racetrack.

(9) Coggins test certificate. Each trainer shall maintain for each horse under the trainer's care a valid certificate indicating that the horse has a negative Coggins test for equine infectious anemia and attach it to the horse's "foal" certificate. The test must have been conducted within the previous 12 months and must be repeated upon expiration.

(10) Employee registration. Each trainer shall register with the chief of security at each association a list of all of their employees employed at the association premises. Changes to the personnel list shall be furnished in writing to the chief of track security within 24 hours of the change. No trainer shall register an employee without including the employee's occupational license number.

(11) Three-day absence. Trainers shall not be absent from their stable or from the association premises where their horses are racing for more than three full days unless they have delegated responsibility for the horses in their care to another licensed trainer. In the event of a delegation, the temporary trainer shall accept, in writing and in the presence of the stewards, the responsibility for the horses.

9.4(18) Authorized agent. Agents' licenses and their appointments by the owner expire at the end of the license year unless earlier revoked by the owner, the stewards or the commission. An owner may appoint only one person at a time to act as agent. After the appointment, the acts of the agent shall be deemed the acts of the owner. If the agent is for a partnership or stable name, each of the owners of the partnership or stable name shall execute the appointment of agent written authority.

Stewards' approval. The stewards shall approve the appointment of the agency by endorsing that fact on the appointment of agent documents submitted to them and shall verify the validity of the agent's license before approving the appointment.

9.4(19) Driver.

a. Eligibility. All drivers' licenses must be approved by the board of stewards. In considering eligibility for driver's license, the board of stewards shall consider:

(1) Whether the applicant has obtained the required U.S.T.A. license and the type of that U.S.T.A. license held.

(2) Evidence of ability to drive in a race.

(3) Age of applicant (must be at least 18 years of age).

(4) Evidence of physical and mental ability.

(5) Results of a written examination to determine qualifications to drive and knowledge of racing and commission rules.

b. Driving duty. Every driver shall participate when programmed unless excused by the stewards.

c. Driver suspension.

(1) Offenses involving fraud. Suspension of a licensee for an offense involving fraud or deception of the public or another participant in racing shall begin immediately after the ruling unless otherwise ordered by the stewards or commission.

(2) Offenses not involving fraud. Suspension for an offense not involving fraud or deception of the public or another participant in racing shall begin on the third day after the ruling or at the stewards' discretion subject to the following. Where the penalty is for a driving violation and does not exceed five days, the driver may complete the engagement of all horses declared in before the penalty becomes effective. The driver may drive in stake, futurity, early closing and feature races, during a suspension of five days or less but the suspension will be extended one day for each date they drive.

(3) Withdrawal of appeal. Withdrawal by the appellant of a notice of appeal filed with the commission whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the commission shall be deemed a frivolous appeal and referred to the commission for further disciplinary action in the event the appellant fails to show good cause to the commission why the withdrawal should not be deemed frivolous.

9.4(20) Grooms. Persons shall not be licensed as grooms unless they are at least 16 years old and are qualified, in the opinion of the stewards, by reason of experience, background and knowledge of racing.

9.4(21) Disciplinary measures by commission. Upon the finding of a violation of these rules, or an attempted violation, on the grounds of any licensed racetrack, during the conduct of a race meeting in the state, the commission may:

a. Deny, suspend, revoke or declare void any license applied for or issued by the commission, or fine a holder of an occupational license not to exceed \$1000 or both. See Iowa Code section 99D.7(18).

b. Upon a hearing de novo of the matter determined by the stewards, the commission may affirm, reverse, or revise the stewards' ruling in all respects.

c. Cause any person, licensed or unlicensed, found to have interfered with, or contributed toward the interference of, the orderly conduct of a race or race meeting or any person whose presence is found by the commission to be inconsistent with maintaining the honesty and integrity of the sport of racing, to be excluded or ejected from the entire grounds or any portion of a licensed racetrack for any length of time the commission may deem the presence of that person remains inconsistent with maintaining the honesty and integrity of the sport of racing in the state of Iowa. This rule should not be construed to limit in any way the right of the track licensee to eject or exclude any person for any reason other than race, color, creed, sex, or national origin.

d. When the holder of an occupational license has that license suspended or revoked for any fraudulent practice in relation to a particular horse wholly or partly owned by that licensee, the licensee shall return all money or prizes which their horse has fraudulently won.

491—9.5(99D) Conduct of races.

9.5(1) Horses ineligible. A horse is ineligible to start a race when:

a. The U.S.T.A. or C.T.A. eligibility certificate has not been examined by the racing secretary, or horse identifier, and determined to be proper and in order, or

b. It has not been registered in current ownership either as standard or nonstandard with the U.S.T.A., or

c. It is not fully identified by an official tattoo on the inside of the upper lip, or

d. It is brought to the paddock and is not in the care of its trainer or assistant, or

e. It has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered lip tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any association or regulatory agency, or

f. It has been allowed to enter or start by a person having lawful custody or control of the horse who participated in or assisted in the entry of racing of some other horse under the name of the horse in question, or

g. It is wholly or partially owned by a disqualified person or a horse is under the direct or indirect management of a disqualified person, or

h. It is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted, or

i. It has no current negative Coggins test certificate attached to the registration certificate, or

j. The stakes or entrance money for the horse has not been paid, or

k. It appears on the starter's list, stewards' list, paddock list or veterinarian's list, or

l. It is owned in whole or in part by an undisclosed person or interest, or

m. It is subject to a lease not filed with the stewards, or

n. It is not in sound racing condition, or

o. It has been nerved by surgical neurectomy, or

p. It has been trachea-tubed to artificially assist breathing, or

q. It has been blocked with alcohol or injected with any other foreign substance or drug to desensitize the nerves of the leg, or

r. It has impaired eyesight in both eyes, or

s. It has started in any race on the previous calendar day.

9.5(2) Registration. All matters relating to registration of standardbred horses shall be governed by the rules of the U.S.T.A.

9.5(3) Eligibility certificate. A track may refuse to accept any declaration without the eligibility certificate for the proper gait first being presented. Telegraphic or telephone declarations may be sent and accepted without penalty, provided the declarer furnished adequate program information, but the eligibility certificate must be presented when the horse arrives at the track before it races. The racing secretary shall check each certificate and certify to the stewards as to the eligibility of all the horses.

9.5(4) Canadian track information. Prior to the declaration, owners of horses having Canadian eligibility certificates shall furnish the racing secretary with a Canadian eligibility certificate completely filled out for the current year, which has a U.S.T.A. validation certificate attached.

9.5(5) Foreign entries. No eligibility certificate will be issued on a horse coming from a country other than Canada unless the following information certified by the trotting association or governing body of that country from which the horse comes is furnished:

a. The number of starts during the preceding year, together with the number of firsts, seconds and thirds for each horse, and the total amount of money won during this period.

b. The number of races in which the horse has started during the current year, together with the number of firsts, seconds and thirds for each horse and the money won during this period.

c. A detailed list of the last six starts giving the date, place, track condition, post position or handicap, if it was a handicap race, distance of the race, position at the finish, the time of the race, the driver's name and the first three horses in the race.

9.5(6) Time bars. No time records or bars shall be used as an element of eligibility.

9.5(7) Date when eligibility is determined.

a. Horses must be eligible when entries close but winnings on the closing date of eligibility shall not be considered.

b. In mixed races, trotting and pacing, a horse must be eligible to the class at the gait at which it is stated in the entry the horse will perform.

9.5(8) Conflicting conditions. In the event there are conflicting published conditions and neither is withdrawn by the track, the more favorable to the nominator shall govern.

9.5(9) Standards for overnight events. Where time standards are established at a meeting for both trotters and pacers, trotters shall be given a minimum of two seconds allowance in relation to pacers.

Posting of overnight conditions. Condition books will be prepared and races may be divided or substituted races may be used only where regularly scheduled races fail to fill. Books containing at least three days' racing programs will be available to horsemen at 24 hours prior to closing declarations

on any race program contained. When published, the conditions must be clearly stated and not printed as TBA—To Be Announced. The racing secretary shall forward copies of each condition book and overnight sheet to the commission as soon as it is available to the horsemen.

9.5(10) *Posting requirements.* Supplemental purse payments made by a track after the termination of a meeting will be charged and credited to the winnings of any horse at the end of the racing year in which they are distributed, and will appear on the eligibility certificate for the subsequent year. Distribution shall not affect the current eligibility until placed on the next eligibility certificate.

9.5(11) *Rejection of declaration.*

a. The racing secretary may reject the declaration on any horse whose eligibility certificate was not in their possession on the date the condition book is published.

b. The racing secretary may reject the declaration on any horse whose past performance indicates that it would be below the competitive level of other horses declared.

9.5(12) *Substitute and divided races.*

a. Substitute races may be provided for each day's program and shall be so designated. Entries in races not filling shall be posted. A substitute race or a race divided into two divisions shall be used only if regularly scheduled races fail to fill.

b. If a regular race fills it shall be raced on the day it was offered.

c. Overnight events and substitutes shall not be carried to the next racing day.

9.5(13) *Qualifying races.* A horse qualifying in a qualifying race for which no purse is offered shall not be deprived by reason of that performance of a right to start in any conditioned race.

9.5(14) *Definition of "start."* The definition of the word "start" in any type of condition unless specifically so stated will include only those performances in a purse race. Qualifying and matinee races are excluded.

9.5(15) *Claiming races.*

a. *Who may claim.* A horse entered in a claiming race may be claimed for its entered price by a licensed horse owner who has a horse programmed to start in a pari-mutuel race at that meeting, or by a licensed horse owner who has received a claim certificate from the commission, or by any person who has qualified for a license as a horse owner and who has received a claim certificate from the commission. An authorized agent may claim for a qualified owner. To qualify for a license as an owner, the applicant must have a current U.S.T.A. membership as an owner or membership as an associate member. Any person seeking to effect a false claim by inducing another to claim a horse for them will be subject to the penalties as provided in this chapter.

b. *Prohibitions.*

(1) No person shall claim their own horse nor shall they claim a horse trained or driven by them.

(2) No person shall claim more than one horse in a race.

(3) No qualified owner or their agent shall claim a horse for another person or file a false claim.

(4) No owner shall cause their horse to be claimed directly or indirectly for their own account.

(5) No person shall offer, or enter into an agreement, to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race.

(6) No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder shall be filed with the clerk of the course of the track conducting the claiming race.

(7) Where a horse drawn to start in a claiming race has been declared to start in a subsequent claiming race, a successful claimant, if any, of the horse in the first race shall have the option of scratching the horse from the subsequent race.

(8) Any mare which has been bred shall not be declared into a claiming race for at least 45 days following the last breeding of the mare, and thereafter the mare may only be declared into a claiming race after a veterinarian has pronounced the mare not to be in foal. Any mare pronounced in foal shall not be declared into a claiming race.

c. *Claiming procedure.*

(1) Claimant's credit. The claimant must have a credit with the track in an amount equivalent to the specified claiming prize.

(2) Owner's consent. No declaration may be accepted unless written permission in the form of a claiming authorization of the owner is filed with the stewards at the time of declaration.

(3) Program. The claiming price shall be printed on the program and all claims shall be for the amount so designated and any horse entered in a claiming race may be claimed for the designated amount.

(4) Claim box. All claims shall be in writing, sealed and deposited at least 15 minutes before the time originally scheduled for the race to begin in a locked box provided for this purpose by the association.

(5) Opening of claim box. No official shall open the box or give any information on claims filed until after the horses leave the paddock for the post parade and the claim box shall be opened and the claims, if any, examined by the stewards.

(6) Multiple claims on same horses. Should more than one claim be filed for the same horse, the owner shall be determined by lot by the stewards.

(7) Delivery of claimed horse. A horse claimed shall be delivered immediately by the original owner or their trainer to the successful claimant upon authorization of the presiding steward. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation of this rule. The hoppel measurements of a claimed horse must be made available to the successful claimant by the paddock judge.

(8) Refusal to deliver claimed horse. Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(9) Vesting of title to claimed horse. Every horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event, but title to the claimed horse shall be vested in the successful claimant from the time of the starting of the first heat or dash, and the successful claimant shall become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it; provided, however, that the final vesting of title to a claimed horse is subject to the conditions and provisions of subrule 9.5(15).

(10) Affidavit by claimant. The stewards may require any person making a claim for a horse to make affidavit that they are claiming the horse for their own account or as authorized agent and not for any other person. Any person making the affidavit willfully and falsely shall be subject to punishment as provided.

(11) Penalty for 30 days. If a horse is claimed, no right, title or interest in it shall be sold or transferred except in a claiming race for a period of 30 days following the date of claiming. Further, the horse may be required to continue to race at the track where claimed for a period of 30 days or the balance of the current racing meeting whichever comes first.

(12) Return of claimed horse to owner or stable. No horse claimed out of a claiming race shall be eligible to start in any race in the name or interest of the original owner for 30 days, nor shall the horse remain in the same stable, or under the care or management of the first owner or trainer, or anyone connected therewith unless reclaimed out of another claiming race.

(13) Scratched horse. A horse scratched from a claiming race is not eligible to be claimed. The owner or trainer of a horse entered in a subsequent claiming race may request the steward to scratch the horse from that race.

(14) Claiming price paid. The track shall pay the claiming price to the owner at the time the registration certificate is delivered for presentation to the successful claimant.

(15) Claiming conditions. Whenever possible, claiming races shall be written to separate horses five years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a 20 percent minimum price allowance; provided, however, that there shall be no price allowance given to a spayed mare racing in a claiming race. An allowance for age shall be given. Two-year-olds shall be given a 100 percent allowance, three-year-olds, 50 percent allowance, and four-

year-olds, 25 percent allowance. Claiming races for two-year-olds may be conditioned. Claiming races for three-year-olds may be conditioned. The lowest claiming class written at a specific meeting may be conditioned. Horses eligible for multiple allowances shall be granted only the highest allowance.

(16) Minimum price. No claiming race shall be offered permitting claims for less than the minimum purse offered at that time during the same racing week.

(17) Determination of claiming price. Except as provided, no horse owner shall be prohibited from determining the price for which the owner's horse shall be entered.

(18) Eligibility certificate. The current eligibility certificate of all horses entered in claiming races must be on file with the racing secretary. Registration papers and a separate claiming authorization form signed by the registered owner or owners and indicating the minimum amount for which the horse may be entered to be claimed will be on file with the stewards. To facilitate transfer of claimed horses the presiding steward may sign the transfer provided that the clerk of course then sends the registration certificate and claiming authorization to the U.S.T.A. registrar for transfer.

(19) Fraudulent claim.

1. If the stewards determine that the declaration of any horse to a claiming race is fraudulent on the part of the declarer they may void the claim and at the option of the claimant order the horse returned to the person declaring it in the race.

2. If the stewards determine that any claim of a horse is fraudulent on the part of the person making the claim, they may void the claim and may, at the option of the person declaring it in the race, return the horse to the person declaring it in the race.

(20) Elimination of stable.

1. Should any stable be eliminated by sale or removal from the grounds, the right to claim is void. However, when a stable has been eliminated by claiming, the owner so affected shall have the right to claim a horse during the next 30 racing days at any recognized meeting in this state even though all or a portion of the next 30 racing days take place in the following calendar year. The owner or trainer of a stable eliminated by claiming shall get a written statement from the commission stating the date and place that the stable was eliminated by claiming. Should the stable acquire a horse before availing itself of the privilege, then the privilege shall be void.

2. Should any stable be eliminated by fire or other hazards, it shall have claiming privilege under the conditions indicated for the stable eliminated by claiming at the discretion of the commission.

9.5(16) Entries. All entries must:

1. Be made in writing.
2. Be signed by the owner or authorized agent, except as provided in this chapter.
3. Give name and address of both the bona fide owner and agent or registered stable name or lessee.
4. Give name, color, sex, sire and dam of horse.
5. Name the event or events in which the horse is to be entered.

9.5(17) Entries and starters; split races.

a. *Entries required.* Tracks must specify how many entries are required for overnight events and after the condition is fulfilled, the event must be contested.

b. *Elimination heats or two divisions.* In any race where the number of horses declared to start in exceeds 12 on a mile track, the race, at the option of the track, stated before positions are drawn, may be raced in elimination heats. No more than two tiers of horses, allowing eight feet per horse, will be allowed to start in any race.

c. *Elimination plans.*

(1) Whenever elimination heats are required, or specified in the published conditions, the race shall be raced in the following manner unless conducted under another portion of commission rules. The field shall be divided by lot and the first division shall race a qualifying dash for 30 percent of the purse, the second division shall race a qualifying dash for 30 percent of the purse and the horses so

qualified shall race in the main event for 40 percent of the purse. The winner of the main event shall be the race winner.

(2) In the event there are more horses declared to start than can be accommodated by the two elimination dashes, then there will be added enough elimination dashes to take care of the excess. The percent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into 60. The main event will race for 40 percent of the purse.

(3) Unless the conditions provide otherwise, if there are two elimination dashes, the first five finishers in each dash qualify for the final; if three or more elimination dashes, not more than four horses will qualify for the final from each qualifying dash.

(4) The stewards shall draw the positions in which the horses are to start in the main event by one of the following methods, as prescribed by the sponsor in the conditions for the event:

1. They shall draw positions to determine which of the dash winners have the pole, and which the second position; which of the two horses that have been second shall start in third position; and which in fourth, etc., or

2. They shall have an open draw to determine the positions in which the horses are to start in the main event, that is, all positions shall be drawn by lot from among all horses qualified for the main event. In the event the sponsor fails to prescribe in the conditions for the event the method to be used for the drawing of post positions, the provisions of paragraph "1" above shall apply.

d. Overnight events. Not more than 11 horses shall be allowed to start on a one-mile track in overnight events allowing 8 feet per horse.

e. Qualifying race for stake, etc. Where qualifying races are provided in the conditions of any early closing event, stakes or futurity, the qualifying race must be held not more than seven days prior to contesting the main event and omitting the day of the race.

9.5(18) Declaration to start; drawing horses.

a. Declaration.

(1) Declaration shall be determined by the board of stewards.

(2) No horse shall be declared to start in more than one race on any one racing day.

(3) Declaration box. The association shall provide a locked box with an aperture through which declarations shall be deposited.

(4) Responsibility for declaration box. The steward shall be in charge of the declaration box.

(5) Search for declarations by the steward before opening box. Just prior to opening of the box at extended pari-mutuel meetings where futurities, stakes, early closing or late closing events are on the program, the steward shall check with the racing secretary to ascertain if any declarations by mail, telegraph, or otherwise, are in the office and not deposited in the entry box, and shall see that they are declared and drawn in the proper event.

(6) Opening of declaration box. Entry box and drawing of horses at extended pari-mutuel meetings. The entry box shall be opened by the steward at the advertised time and the steward will be responsible to see that at least two horsemen or their official representatives are present. No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the steward, all entries shall be listed, the eligibility verified, the preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(7) Drawing of post positions for second heat in races of more than one dash or heat. In races of a duration of more than one dash or heat the stewards may draw post positions from the stand for succeeding dashes or heats.

(8) Declarations by mail, telegraph or telephone. Declarations by mail, telegraph, or telephone actually received and evidence of which is deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. Drawings shall be final. Mail, telephone and telegraph declarations must state the name and address of the owner or lessee; the name, color, sex, sire and dam of the horse; the name of the driver and colors; the date and place of last start; a current summary,

including the number of starts, firsts, seconds, thirds, earnings and best winning time for the current year; and the event or events in which the horse is to be entered.

(9) Effect of failure to declare on time. When a track requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(10) Drawings of horses after declaration. After declaration to start has been made, no horse shall be drawn except by permission of the stewards.

(11) Horses omitted through error. Drawings shall be final unless there is conclusive evidence that a horse properly declared was omitted from the race through the error of a track or its agent or employee in which event the horse shall be added to the race but given the last post position, provided the error is discovered prior to scratch time or the printing of the program, whichever is sooner. However, in the case of early closers of more than \$10,000 and stake and futurity races, the race shall be redrawn. This shall not apply at extended pari-mutuel meetings in overnight events.

b. Qualifying races. At all extended pari-mutuel meetings eligibility to declare for overnight events shall be governed by the following:

(1) Within 30 days of being declared in, a horse that has not raced previously at the gait chosen, shall go through a qualifying race under the supervision of a steward and acquire at least one charted line by a licensed charter. In order to provide complete and accurate chart information on time and beaten lengths, a standard photo finish shall be in use.

(2) A horse that does not show a charted line for the previous season, or a charted line within its last six starts, must go through a qualifying race as set forth above. Uncharted races contested in heats of more than one dash and consolidated according to subparagraph (4) below will be considered one start.

(3) A horse that has not started at a charted meeting by April 1 of a season must go through a qualifying race and meet the qualifying standards of the meet.

(4) When a horse has raced at a charted meeting during the current season, then gone to meetings where the races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines. The requirements of subparagraph (2) above would not then apply.

(5) The consolidated line shall carry date, place, time, driver, finish, track condition and distance if race is not at one mile.

(6) The stewards may require any horse that has been on the steward's list to go through a qualifying race. If a horse has raced at an individual time not meeting the qualifying standards for that class of horse, the horse may be required to go through a qualifying race.

(7) The stewards may permit a fast horse to qualify by means of a timed workout consistent with the time of the races in which it will compete in the event adequate competition is not available for a qualifying race. A horse that is on the steward's list for breaks or refusing to come to the gate must qualify in a qualifying race.

(8) To enable a horse to qualify, qualifying races should be held at least one full week prior to the opening of any meeting and shall be scheduled once a week during the meeting and through the last week of the meeting.

(9) Where a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed or recorded. This subparagraph is not applicable to races qualifying both drivers and horses.

(10) If a horse takes a win race record in a qualifying race, the record must be prefaced with the letter "Q" wherever it appears, except in a case where, immediately prior to or following the race, the horse taking the record has had a specimen taken and tested. It will be the responsibility of the steward to report the results of the test on the stewards' sheet.

(11) Any horse that fails to race at a charted meeting within 30 days after having started in a current year, shall start in a charted race or a qualifying race and meet the standards of the meeting before being allowed to start.

c. Coupled entries.

(1) When the starters in a race include two or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" and a wager on one horse in the "entry" shall be a wager on all horses in the "entry." Provided, however, that when a trainer enters two or more horses in a stake, early closing, futurity, free-for-all or other special event under bona fide separate ownerships, the horses may, at the request of the association and with the approval of the commission, be permitted to race as separate betting entries. The fact that the horses are trained by the same person shall be indicated prominently in the program. If the race is split in two or more divisions, horses in an "entry" shall be seeded insofar as possible, first by owners, then by trainers, then by stables; but the divisions in which they compete and their post positions shall be drawn by lot. The above provision shall also apply to elimination heats.

(2) The steward shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to protect the public interest.

(3) If an owner, lessor, or lessee has a vested interest in another horse in the same race, it shall constitute an entry.

d. Also eligibles. No more than two horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one or more horses are excused by the stewards, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse put into the race from the also eligible list cannot be drawn except by permission of the stewards, but the owner or trainer of the horse shall be notified that the horse is to race and it shall be posted at the racing secretary's office. All horses on the also eligible list and not moved into the race by scratch time for the race shall be released.

e. Preference.

(1) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and been scratched is the date of the race from which the horse was scratched.

(2) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date, and preference applied accordingly.

(3) If an error has been made in determining or posting a preference date and the error deprives an eligible horse of an opportunity to race, the trainer involved shall report the error to the racing secretary within one hour of the announcement of the draw. If in fact a preference date error has occurred, the race will be redrawn.

f. Steward's list.

(1) A horse that is unfit to race because it is dangerous, unmanageable, sick, lame, or unable to show a performance to qualify for races at the meeting, or otherwise unfit to race at the meeting may be placed on a "steward's list" by the steward, and declarations on the horse shall be refused, but the owner or trainer shall be notified in writing of the action and the reason as set forth above shall be clearly stated on the notice. When any horse is placed on the steward's list, the clerk of the course shall make a note on the eligibility certificate of the horse, showing the date the horse was put on the steward's list, the reason and the date of removal if the horse has been removed.

(2) No steward or other official at a nonextended meeting shall have the power to remove from the steward's list and accept as an entry any horse which has been placed on a steward's list and not subsequently removed for the reason that it is a dangerous or unmanageable horse. Meetings may refuse declarations on any horse that has been placed on the steward's list and has not been removed.

(3) A horse scratched from a race because of lameness or sickness may not race or enter another race for at least three days from the date scheduled to race.

g. *Driver.* Declarations shall state who shall drive the horse and give the driver's colors. Drivers may be changed until scratch time of the race, after which no driver may be changed without permission of the steward and for good cause. When a nominator starts two or more horses, the stewards shall approve or disapprove the second and third drivers.

9.5(19) Starting.

a. *With starting gate.*

(1) Starter's control. The starter shall have control of the horses from the formation of the parade until it gives the word "go."

(2) Scoring. After one or two preliminary warming up scores, the starter shall notify the drivers to fasten their helmet chin straps and come to the starting gate. During or before the parade the drivers must be informed as to the number of scores permitted.

(3) Starting gate. The horses shall be brought to the starting gate as near one-quarter of a mile before the start as the track will permit.

(4) Speed of gate. Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained.

1. For the first one-eighth mile, not less than 11 miles per hour.
2. For the next one-sixteenth of a mile, not less than 18 miles per hour.
3. From the above point to the starting point, the speed will be gradually increased to maximum speed.

(5) On mile tracks horses will be brought to the starting gate at the head of the stretch and the relative speeds mentioned in subparagraph 4 of this subrule will be maintained.

(6) The starting point will be a point on the inside rail a distance of not less than 200 feet from the first turn. The starter shall give the word "go" at the starting point.

(7) When a speed has been reached in the course of a start there shall be no decrease except in the case of a recall.

(8) Recall notice. In case of a recall a light plainly visible to the driver shall be flashed and a recall sounded and wherever possible the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use discretion to close the wings of the gate.

(9) There shall be no recall after the word "go" has been given and any horse, regardless of position or an accident, shall be deemed a starter from the time entered into the starter's control unless dismissed by the starter.

(10) Breaking horse. The starter shall endeavor to get all horses away in position and on gait but no recall shall be had for a breaking horse.

(11) Reason for recall. The starter may sound a recall only for the following reasons:

1. A horse scores ahead of the gate.
2. There is interference.
3. A horse has broken equipment.
4. A horse falls before the word "go" is given.
5. A malfunction of the starting gate.

(12) Riding in gate. No persons shall be allowed to ride in the starting gate except the starter and driver or operator, and a patrol judge, unless permission has been granted by the board of stewards.

(13) Loudspeaker. Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

b. *Holding horses before start.* Horses may be held on the backstretch not to exceed three minutes awaiting post time, except when delayed by an emergency.

c. *Two tiers.* In the event there are two tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned

positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill up the vacancy.

d. Starters. The horses shall be deemed to have started when the word “go” is given by the starter and all the horses must go the course except in case of an accident in which the stewards determined that it is impossible to go the course.

e. Unmanageable horse.

(1) If, in the opinion of the stewards or the starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the starter will notify the stewards who will in turn notify the public.

(2) A horse shall be considered unmanageable if it causes more than one recall in the same dash or heat and the horse shall be excused by the starter.

f. Post positions; heat racing. The horse winning the first heat shall take the pole (or inside position) in the succeeding heat, unless otherwise specified in the published conditions, and all others shall take their positions in the order they were placed in the last heat. When two or more horses shall have made a dead heat, their positions shall be settled by lot.

g. Shield. The arms of all starting gates shall be provided with a screen or shield in front of the position for each horse, and the arms shall be perpendicular to the rail.

h. Malfunction of the gate. Every licensed starter is required to check the starting gate formal functions before commencing any meeting and to practice the procedure to be followed in the event of a malfunction. Both the starter and the driver of the gate must know and practice emergency procedures, and the starter is responsible for the training of drivers in those procedures.

9.5(20) Racing and track rules.

a. Although a leading horse is entitled to any part of the track, except after selecting its position in the home stretch, neither the driver of the first horse or any other driver in the race shall do any of the following things, which shall be considered violations of driving rules:

(1) Change either to the right or left during any part of the race when another horse is so near that in altering its position compels the horse behind to shorten its stride, or causes the driver of the other horse to pull out of its stride.

(2) Jostle, strike, hook wheels, or interfere with another horse or driver.

(3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering another driver.

(4) Swerve in and out or pull up quickly.

(5) Crowd a horse or driver by “putting a wheel under them.”

(6) “Carry a horse out” or “sit down in front,” take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses, or do any other act which constitutes what is popularly known as helping.

(7) Let a horse pass inside needlessly.

(8) Laying off a normal pace and leaving a hole when it is well within the horse’s capacity to keep the hole closed.

(9) Commit any act which shall impede the progress of another horse or cause it to “break.”

(10) Change course after selecting a position in the home stretch and swerve in or out, or bear in or out, to interfere with another horse or cause it to change course or takeback.

(11) To drive in a careless or reckless manner.

(12) Whipping under the arch of the sulky or hitting wheel disc.

(13) Kicking the horse.

(14) Drivers must set or maintain a pace comparable to the class in which they are racing. Failure to do so by going an excessively slow quarter or any other distance that changes the normal pattern, overall timing, or general outcome of the race will be considered a violation of this subrule.

b. Complaints—reports of interference.

(1) Complaints. All complaints by drivers of any foul driving or other misconduct during the heat must be made to the starter at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of the rules must before dismounting indicate to the starter the desire to enter the claim or complaint and upon dismounting shall proceed to the telephone or stewards' stand where and when the claim, objection, or complaint shall be immediately entered. The stewards shall not cause the official sign to be displayed until the claim, objection, or complaint shall have been entered and considered.

(2) Report of interference. It is the duty of every driver to report to the official designated for that purpose, as promptly as possible after the conclusion of a race in which it has participated, any material interference to the driver or the horse by another horse or driver during a race.

c. If any of the above violations are committed by a person driving a horse coupled as an entry in the betting, the stewards shall set both horses back, if, in their opinion, the violation may have affected the finish of the race. Otherwise penalties may be applied individually to the drivers of any entry.

d. In the case of interference, collision, or violation of any of the above restrictions, the offending horse may be placed back one or more positions in that heat or dash, and in the event the collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings; and the driver may be fined or suspended. In the event a horse is set back, it must be placed behind the horse with whom it interfered.

e. Unsatisfactory drive—fraud. Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the stewards believe that a horse is being driven or has been driven with design to prevent winning a heat or dash which it was evidently able to win, or is being raced in an inconsistent manner, or to perpetrate or to aid a fraud, they shall consider it a violation and the driver and anyone in concert with the driver, to so affect the outcome of the race or races, may be fined or have their license suspended or revoked. The stewards may substitute a competent and reliable driver at any time. The substitute driver shall be paid at the discretion of the stewards and the fee retained from the purse money due the horse, if any.

f. If, in the opinion of the stewards, a driver is for any reason unfit or incompetent to drive or refuses to comply with the directions of the stewards, or is reckless in conduct and endangers the safety of horses or other drivers in the race, the driver may be removed and another driver substituted at any time after the positions have been assigned in a race, and the offending driver shall be fined or have license suspended or revoked. The substitute driver shall be properly compensated.

g. If, for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out.

h. Loud shouting or other improper conduct is forbidden in a race. After the horses are called to the gate, both feet shall be kept in the stirrups until after the finish of the race.

i. Drivers will be allowed whips not to exceed 4 feet 8 inches, plus a snapper not longer than 8 inches.

j. The use of any goading device, chain or mechanical devices or appliances, other than the ordinary whip or crop, upon any horse in any race shall constitute a violation of this rule.

k. The brutal use of a whip or crop or excessive or indiscriminate use of the whip or crop shall be considered a violation. A driver may use a whip only in the conventional manner. Welts, cuts or whip marks on a horse resulting from whipping shall constitute a prima facie violation of this subrule. Drivers are prohibited from whipping under the arch of the sulky, kicking, punching or jabbing a horse, or using the whip so as to interfere with or cause disturbance to any other horse or driver in a race.

l. No horse shall wear hobbles in a race unless it starts in the first heat, and having so started, it shall continue to wear them to the finish of the race, and any person found guilty of removing or altering a horse's hobbles during a race, or between races, for the purpose of fraud, shall be suspended or expelled. Any horse habitually wearing hobbles shall not be permitted to start in a race without them except by permission of the stewards. Any horse habitually racing free legged shall not be permitted to

wear hobbles in a race except with the permission of the stewards. No horse shall be permitted to wear a head pole protruding more than 10 inches beyond its nose.

m. Breaking.

(1) When any horse or horses break from their gait in trotting or pacing, their drivers shall at once, where clearance exists, take the horse to the outside and pull it to its gait.

(2) The following shall be considered violations of subparagraph (1) above:

1. Failure to properly attempt to pull the horse to its gait.

2. Failure to take to the outside where clearance exists.

3. Failure to lose ground by the break.

(3) Any breaking horse shall be set back when a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

(4) Any horse making a break which causes interference to other contending horses may be placed behind all offended horses; if there has been no failure on the part of the driver of the breaking horse in complying with paragraph "b" of this subrule, no fine or suspension shall be imposed on the driver as a consequence of the interference.

n. If, in the opinion of the stewards, a driver allows the horse to break for the purpose of fraudulently losing a heat, then it shall be liable to the penalties elsewhere provided for fraud and fouls.

o. To assist in determining the matters contained in paragraphs "m" and "n," it shall be the duty of one of the stewards to call out every break made, and the clerk shall at once note the break and character of it in writing.

p. The time between separate heats of a single race shall be no less than 40 minutes. The time between the heats shall not exceed one hour and 30 minutes.

q. Horses called for a race shall have the exclusive right of the course, and all other horses shall vacate the track at once, unless permitted to remain by the stewards.

r. In the case of accidents, only so much time shall be allowed as the stewards may deem necessary and proper.

s. A driver must be mounted in the sulky at the finish of the race or the horse must be placed as not finishing.

t. It shall be the responsibility of the owner and trainer to provide every sulky used in a race with colored or colorless wheel discs on the inside and outside of the wheel of a type approved by the commission. In their discretion, the stewards may order the use of mudguards.

u. Sulky. Only sulkies of the conventional dual shaft and dual-hitch type described below shall be permitted to be used in any races. A conventional type sulky is one having two shafts which must be parallel to and securely hitched on each side of the horse. No point of hitch or any part of a shaft shall be above a horizontal level equal to the lowest point of the horse's back.

9.5(21) Protests.

a. Protests may be made only by an owner, manager, trainer or driver of one of the contending horses, at any time before the winnings are paid over, and shall be reduced to writing, and sworn to, and shall contain at least one specific charge, which, if true, would prevent the horse from winning or competing in the race.

b. The stewards shall in every case of protest demand that the driver, and the owner or owners, if present, immediately testify under oath; and in case of their refusal to do so, the horse shall not be allowed to start or continue in the race, but shall be ruled out, with a forfeit of entrance money.

c. Unless the stewards find satisfactory evidence to warrant excluding the horse, they shall allow the horse to start or continue in the race under protest, and the premium, if any won by that horse, shall be transmitted to the commission to allow the parties interested an opportunity to sustain the allegation of the protest.

d. Any person found guilty of protesting a horse falsely and without cause, or merely with intent to embarrass a race, shall be punished.

e. Nothing here contained shall affect the distribution of the pari-mutuel pools, when the distribution is made upon the official placing at the conclusion of the heat or dash.

f. In case of an appeal or protest, the purse money affected will be deposited with the commission in trust funds pending the decision of the appeal.

9.5(22) *Timing and records.*

a. Timing races. In every race, the time of each heat shall be accurately taken by three timers or an approved electric timing device, in which case there shall be one timer, and placed in the record in minutes, seconds, and fifths of seconds, and upon the decision of each heat, the time shall be publicly announced or posted. No unofficial timing shall be announced or admitted to the record, and when the timers fail to act no time shall be announced or recorded for that heat.

b. Error in reported time. In any case of alleged error in the record, announcement or publication of the time made by a horse, the time so questioned shall not be changed to favor the horse or owner, except upon the sworn statement of the stewards and timers who officiated in the race.

c. Time, where lapped on. The leading horse shall be timed and his time only shall be announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless the horse's actual race time can be determined by photo finish or electronic timing.

d. Time for dead heat. In case of a dead heat, the time shall constitute a record for the horses making a dead heat and both shall be considered winners.

e. Timing procedure. The time shall be taken from the first horse leaving the point from which the distance of the race is measured until the winner reaches the wire.

f. Fraudulent misrepresentation. Any person who shall be guilty of fraudulent misrepresentation of time or the alteration of the record in any public race shall be fined, suspended or expelled, and the time declared not a record.

9.5(23) *Matters not covered by rules and regulations.* Any situation not covered by rules and regulations of this commission shall be decided by the board of stewards in their discretion.

9.5(24) *Post time; entry number.*

a. Post time. A delay in the first post of not more than ten minutes from the established post time may be taken without prior approval of the commission or board of stewards.

b. Heat number and saddle pads. Each competing horse shall be equipped with numbers of style, type and design approved by the commission or its representatives. Numbers shall be so arranged that coupled entries may be distinguished and also horses coupled in the field.

9.5(25) *Paddock rules.*

a. Every track shall:

(1) Provide a paddock or receiving barn.

(2) The paddock or receiving barn must be completely enclosed with a man-tight fence and each opening through the fence shall be policed by a person or persons licensed by this commission so as to exclude unauthorized personnel. A daily record of all persons entering or leaving the paddock from one hour prior to post time until all races of that program have been completed shall be maintained on forms approved by the commission.

(3) Horses must be in the paddock at the time prescribed by the steward, but in any event at least one hour prior to post time of the race in which the horse is to compete. Except for warm-up trips, no horse shall leave the paddock until called to the post.

(4) Persons entitled to admission to the paddock must be at least 16 years old and include:

1. Owners of horses competing on the date of the race.
2. Trainers of horses competing on the date of the race.
3. Drivers of horses competing on the date of the race.
4. Grooms and caretakers of horses competing on the date of the race.
5. Officials whose duties require their presence in the paddock or receiving barn.
6. Officials of the commission.
7. The designated representative of the horsemen.

(5) No driver, trainer, groom or caretaker, once admitted to the paddock or receiving barn, shall leave it other than to warm up the horse until the race, or races, for which it was admitted is contested.

(6) No person except an owner, who has another horse racing in a later race, or an official shall return to the paddock until all races of the program have been completed.

(7) All persons, except drivers in the driver's stand, must leave the paddock as soon as their duties are completed for the race or races for which they were admitted.

(8) All members of a registered stable, other than the driver, shall be entitled to admission to the paddock on any one racing day.

b. Head numbers and saddle pads. At all tracks head numbers and saddle pads must be used when warming and racing.

c. Supervision of meeting. Although track licensees have the obligation of general supervision of their meeting, interference with the proper performance of duties of any official is prohibited.

9.5(26) Other track conditions.

a. Default in payment of purses. No deduction, voluntary or involuntary, may be made from any purse or stakes or futurity except that if the conditions specifically provide, reasonable deductions may be made for clerical printing, postage and surety bond expenses specifically related to the purse, stakes or futurity.

b. If at a meeting of a licensed track, a race is contested which has been promoted by another party or parties, and the promoters default in the payment of the amount raced for, the same liability shall attach to the licensed track as if the race had been offered by it.

c. Removal of horses from the grounds. No horse shall be ordered off the grounds without at least 72 hours' notice (excluding Sunday) to the person in charge of the horse. Notice of less than 72 hours' notice not be complied with. Failure to remove the horses shall subject the owner or the trainer to suspension, revocation or a fine.

491—9.6(99D) Medication and administration, sample collection and chemists.

9.6(1) Medication and administration.

a. No horse, while participating in a race, shall carry in its body any medication, or drug, or foreign substance, or metabolic derivative, which is a narcotic, or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, affecting its speed. (See Iowa Code section 99D.25A)

b. Also prohibited are any drugs or foreign substances which might mask or screen the presence of the prohibited drugs, or prevent or delay testing procedures.

c. Proof of detection by the commission chemist of the presence of a medication, or drug, or foreign substance, or metabolic derivative, prohibited by paragraph "a" or "b" in a saliva, urine or blood sample duly taken under the supervision of the commission veterinarian from a horse immediately prior to or promptly after running in a race, shall be prima facie evidence that the horse was administered with the intent that it would carry or that it did carry prohibited medication, drug, or foreign substance in its body while running in a race in violation of this rule.

d. Administration or possession of drugs.

(1) No person shall administer, cause to be administered, participate, attempt to participate, in any way in the administration to a horse registered for racing of any medication, drug, foreign substance, or treatment by any route, on the day of the race for which the horse is entered prior to the race.

(2) No person except a veterinarian shall have in their possession any prescription drug. However, a person may possess a noninjectable prescription drug for animal use if:

1. The person actually possesses, within the racetrack enclosure, documentary evidence that a prescription has been issued to said person for such a prescription drug.

2. The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug.

3. The horse or horses named in the prescription are then in said person's care within the racetrack enclosure.

(3) No veterinarian or any other person shall have in their possession or administer to any horse within any racetrack enclosure any chemical substance which:

1. Has not been approved for use on equines by the Food and Drug Administration pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301 et seq., and implementing regulations, without the prior written approval from a commission veterinarian, after consultation with the board of stewards.

2. Is on any of the schedules of controlled substances as prepared by the Attorney General of the United States pursuant to 21 U.S.C. Sections 811 and 812, without the prior written approval from a commission veterinarian, after consultation with the board of stewards.

The commission veterinarian shall not give such approval unless the person seeking such approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial, therapeutic use in horses.

(4) No veterinarian or any other person shall dispense, sell or furnish any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route to any person within the grounds of the association unless there is a label specifying the name of the substance dispensed, the name of the dispensing person, the name of the horse or horses for which the substance is dispensed, the purpose for which said substance is dispensed, the dispensing veterinarian's recommendations for withdrawal before racing (if applicable), and the name of the person to which dispensed, or is otherwise labeled as required by law.

(5) No person shall have in their possession or in areas under said person's responsibility on association grounds, any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route unless it complies with the labeling requirements in 9.6(1)"d"(4).

e. Any person found to have administered a medication, drug, or foreign substance which caused or could have caused a violation of this rule, or caused or participated or attempted to participate in any way in the administration, shall be subject to disciplinary action.

f. The owner, trainer, groom or any other person having charge, custody or care of the horse is obligated to protect the horse properly and guard it against the administration or attempted administration, and if the stewards shall find that any person has failed to show proper protection and guarding of the horse, or if the stewards find that any owner, lessee or trainer is guilty of negligence, they shall impose punishment and take other action they deem proper under any of the rules including reference to the commission.

g. In order for a horse that is on a bleeder's list in another state to be granted reciprocity in Iowa and be placed on a bleeder's list in Iowa, the rules governing placement on the bleeder's list in that other state must equal or exceed those of Iowa.

9.6(2) Sample collection.

a. Urine, blood and other specimens shall be taken and tested from any horse that the stewards of the meeting, commission veterinarian, or the commission's representatives may designate. Tests are to be under the supervision of the commission. The samples shall be collected by the commission veterinarian or other person or persons the commission may designate.

b. A track shall have a detention barn under the supervision of the commission veterinarian for the purpose of collecting body fluid samples for any tests required by the commission. The building, location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, must be approved by the commission.

c. No unauthorized person shall be admitted at any time to the building or the area utilized for the purpose of collecting the required body fluid samples or the area designated for the retention of horses pending the obtaining of body fluid samples.

d. During the taking of samples from a horse, the owner or responsible trainer, or a representative designated by the owner or trainer, may be present and witness the taking of the sample and so signify in writing. Failure to be present and witness the collection of the samples constitutes a waiver by the trainer or representative of any objections to the source and documentation of the sample.

e. A security guard, approved by the commission, must be in attendance during the hours designated by the commission.

f. The commission veterinarian, the board of stewards, agents of the division of criminal investigation, or the authorized representative of the commission may take samples of any medicine or other materials suspected of containing improper medication, drugs, or other substance which could affect the racing condition of a horse in a race which may be found in barns or elsewhere on racetracks or in the possession of any person connected with racing, and shall be delivered to the official chemist for analysis.

g. Nothing in these rules shall be construed to prevent:

(1) Any horse in any race from being subjected by the order of a steward or the commission veterinarian to tests of body fluid samples for the purpose of determining the presence of any foreign substance.

(2) The state steward or the commission veterinarian from authorizing the splitting of any sample.

(3) The commission veterinarian from requiring body fluid samples to be stored in a frozen state for future analysis.

Administration of lasix and phenylbutazone shall be allowed only as permitted under Iowa Code section 99D.2.

h. Before leaving the racing surface, the trainer shall ascertain the testing status of the horse under the trainer's care from the commission veterinarian or designated test barn representative.

9.6(3) Chemists.

a. The commission shall employ one or more chemists or contract with one or more qualified chemical laboratories to determine by chemical testing and analysis of body fluid samples whether a substance or drug is present which may affect the outcome of a race or which may interfere with the testing procedure as provided in Iowa Code section 99D.23(1).

b. All body fluid samples taken by or under direction of the commission veterinarian or authorized representative of the commission shall be delivered to the laboratory of the official chemist for analysis. Each sample shall be marked or numbered and bear information essential to its proper analysis; but the identity of the horse from which the sample was taken or the identity of its owners or trainer shall not be revealed to the official chemist or the staff of the chemist. The container of each sample shall be sealed as soon as the sample is placed in it.

c. The commission chemist shall be responsible for safeguarding and testing each sample delivered to the laboratory by the commission veterinarian.

d. The commission chemist shall conduct individual tests on each sample, screening same for prohibited substances, and conducting other tests to detect and identify any suspected prohibited substance or metabolic derivative with specificity. Pooling of samples shall be permitted only with the knowledge and approval of the commission.

e. Upon the finding of a test negative for prohibited substances, the remaining portions of the sample may be discarded. Upon the finding of tests suspicious or positive for prohibited substances, the tests shall be reconfirmed, and the remaining portion, if available, of the specimen preserved and protected until the stewards rule it may be discarded.

f. The commission chemist shall submit to the state steward a written report as to each specimen tested, indicating by sample tag identification number, whether the sample was tested negative or positive for prohibited substances. The commission chemist shall report test findings to no person other than the state steward or a designated representative of the state steward.

(1) In the event the commission chemist should find a specimen suspicious for a prohibited medication, additional time for test analysis and confirmation may be requested.

(2) The racing association shall not make distribution of any purses until given clearance of chemical tests by the state steward.

g. In reporting to the state steward a finding of a test positive for a prohibited substance, the commission chemist shall present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of the professional opinion as to the positive finding.

h. No action shall be taken by the state steward on the report of the official chemist unless and until the medication, drug or other substance has been properly identified as well as the horse from which the sample was taken, nor until an official report signed by the chemist has been received by the state steward.

i. The cost of the testing and analysis shall then be reimbursed by each licensed association on a per sample basis so that each association shall bear only its proportion of the total cost of testing and analysis.

491—9.7(99D) Simulcast. Rescinded IAB 3/6/91, effective 4/10/91.

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